

RESPONSE TO COMMENTS ON THE DRAFT INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

Getaway House, Inc. Major Use Permit
State Clearinghouse (SCH) No. 2020040111
October 15, 2020

1.0 INTRODUCTION AND PURPOSE

In April 2020 the County of Mendocino (County) prepared a Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) for the Getaway House, Inc. Major Use Permit (project), pursuant to the California Environmental Quality Act (CEQA), to analyze the potential environmental impacts of the proposed project. As provided in the Draft IS/MND, Getaway House, Inc. (Applicant) is requesting the approval of a Major Use Permit for the development of a rental micro-cabin recreational vehicle (RV) facility (Outpost) featuring up to 45 company-owned micro-cabin RVs and associated improvements on an approximately 90.87-acre site located on Old Toll Road, Hopland, and identified by Assessor's Parcel Numbers (APNs) 048-270-24, 048-270-23 and a portion of 048-270-22 (Site).

The Draft IS/MND was submitted to the State Clearinghouse (SCH No. 2020040111) and circulated for public review and comment for a period of 30 days, beginning on April 10, 2020, and ending on May 11, 2020. The County received a total of nine (9) comment letters on the Draft IS/MND. Following circulation of the Draft IS/MND and the receipt of comments, substantial revisions were made to the project proposal. In accordance with State CEQA Guidelines Section 15073.5, recirculation of the Draft IS/MND is required as the document was substantially revised after public notice of its availability had previously been given pursuant to State CEQA Guidelines Section 15072, but prior to its adoption.

The County received a total of nine (9) comment letters on the Draft IS/MND, including one (1) initially submitted in response to the application referral and resubmitted in response to the Draft IS/MND. The written comments include points and opinions relevant to both the project's merits and potential environmental effects of the project. Comments were received from the California Native Plant Society (CNPS, initially submitted in response to the application referral on March 2, 2020), Mendocino County Division of Environmental Health (MCDEH, April 13, 2020), the Mendocino County Farm Bureau (MCFB, April 29, 2020), the California Wildlife Foundation and California Oaks Coalition (CWF and COC, May 7, 2020), the California Department of Fish and Wildlife (CDFW, May 7, 2020), Mr. Tony Stephen and Ms. Nancy Walker (May 8, 2020), Ms. Jennifer Brook Gamble (May 11, 2020), Downey Brand (May 11, 2020), and Hopland and Ukiah Valley residents (received by the County May 13, 2020).

The principal issues discussed in these comment letters include: Adequacy of the IS/MND, Agricultural Resources, Biological Resources, Land Use/Zoning, Noise, Tribal/Cultural Resources, Transportation, Water

Resources, Wastewater, and Wildfire. Due to the numerous comments received on the Draft IS/MND, direct, commenter-specific responses have been prepared only for comments that discussed unique issues. In many instances, the issues expressed in the comments overlap – in these cases, a response has been prepared regarding the overall issue, with reference to the individual comment letters that discussed the specific issue. The responses acknowledge comments that address points and opinions relevant to the project's merits, and those that are relevant to the environmental review required by CEQA. The following sections, presented in alphabetical order of issues, contain responses to comments received on the Draft IS/MND related to each of the issues listed above.

As discussed below, eight (8) of the comment letters received, not including the letter from Mendocino County Environmental Health, dated April 13, 2020, discuss the Preliminary Biological Survey prepared by LACO Associates, dated January 30, 2020, and the need for seasonally-appropriate biological/botanical surveys and a habitat assessment. It should be noted that following submission of the Major Use Permit in January 2020, the applicant contracted with Northwest Biosurvey to prepare a *Biological Resource Assessment with Botanical Survey and Delineation of Waters of the U.S.* (Biological Report), which was completed June 25, 2020. Based on the comments received regarding Biological Resources, as discussed below, and the completed Biological Report, the project proposal and Draft IS/MND have been revised to incorporate additional discussion of biological resources and mitigations proposed in the Biological Report. Prior to the Planning Commission Hearing for the project's Major Use Permit, the Revised Draft IS/MND will be circulated for public review.

2.0 RESPONSE TO COMMENTS ON ADEQUACY OF THE IS/MND

The comment letters received from the California Wildlife Foundation (CWF) and California Oaks Coalition (COC), dated May 7, 2020, and Downey Brand, dated May 11, 2020, question the adequacy of the Draft IS/MND, as presented. The analysis contained in the Draft IS/MND found the proposed project would have no significant impacts and all impacts would be reduced to a less-than-significant level with mitigation incorporated, where needed. As a result, an EIR was not determined to be necessary for the project. Although revisions to project description and Draft IS/MND were warranted based on the results of the Biological Report (Northwest Biosurvey, 2020) noted above, and as a result of the comments received on the Draft IS/MND, additional mitigation measures have been included in the Revised Draft IS/MND to reduce any new or modified potential impacts to a less-than-significant level.

3.0 RESPONSE TO COMMENTS ON AGRICULTURAL RESOURCES

The letter received from the Mendocino County Farm Bureau (MCFB), dated April 29, 2020, questions the impact determinations made in the Draft IS/MND related to Agricultural Resources. The primary concerns of the MCFB are related to the project's potential conflict with the existing zoning designation of Rangeland (R-L 160) and the potential impacts of the project on adjacent properties utilized for agricultural purposes. As discussed in the Draft IS/MND, the Site is currently zoned as Rangeland (R-L 160) under the Mendocino County Zoning Code and has a land use designation of Rangelands (RL160) under the Mendocino County General Plan. Per Section. 20.060.025 – *Uses Subject to a Major Use Permit* of the Mendocino County Zoning Code (adopted 1997), the proposed use would be permitted as 'Transient Habitation – Campground,' subject to a Major Use Permit.

The MCFB comments that the proposed development “would inhibit any current rangeland use of the property and would inhibit the future use of the property for rangeland purposes;” however, there is no evidence that there is an existing rangeland use of the property or that the property owner intends to utilize the Site in the future for rangeland purposes. As such, the proposed project would not be converting the Site from an existing agricultural or rangeland use. The MCFB additionally comments that due to the proposed project, “there is a high likelihood of additional impacts and conversion pressure to the Project parcels and/or adjoining agricultural properties.” Development of the Site would be limited to the proposed improvements described in the project proposal and the Draft IS/MND, and the proposed infrastructure would not support additional development beyond the project as currently proposed. In addition, in contrast to the vacant Site proposed for development, as noted in the MCFB comments, numerous properties in close vicinity to the Site are actively farmed with crops such as grapes. Development of these properties would require the conversion of agricultural lands, which is outside the scope of this project. Any development proposed on adjoining agricultural properties would be subject to the requirements of the Mendocino County Code and impacts from a potential future project would be evaluated at the time of project proposal.

4.0 RESPONSE TO COMMENTS ON BIOLOGICAL RESOURCES

Numerous comments regarding the Biological Resources section of the Draft IS/MND were provided in six (6) of the comment letters received, including the letters from the California Native Plant Society (CNPS), dated March 2, 2020 and provided initially in response to the Major Use Permit application referral, the California Wildlife Foundation (CWF) and California Oaks Coalition (COC), dated May 7, 2020, the California Department of Fish and Wildlife (CDFW), dated May 7, 2020, Ms. Jennifer Brook Gamble, dated May 11, 2020, Downey Brand, dated May 11, 2020, and Hopland and Ukiah Valley residents, received by the County May 13, 2020. Comments included discussion on the following topic areas, in order of appearance in the Draft IS/MND: Sensitive Plant and Wildlife Species, Wetlands and Riparian Habitat, Sensitive Plant and Wildlife Habitat and Wildlife Corridors, and Oak Woodlands and Tree Removal. A response has been provided, below, to address comments on each of these general topic areas.

As discussed below, eight (8) of the comment letters received, not including the letter from Mendocino County Environmental Health, dated April 13, 2020, discuss the Preliminary Biological Survey prepared by LACO Associates, dated January 30, 2020, and the need for seasonally-appropriate biological/botanical surveys and a habitat assessment. As noted above, following submission of the Major Use Permit in January 2020, the applicant contracted with Northwest Biosurvey to prepare a *Biological Resource Assessment with Botanical Survey and Delineation of Waters of the U.S.* (Biological Report), which was completed June 25, 2020. As discussed below, many of the concerns expressed in the comment letters have been addressed with completion of the Biological Report, (Northwest Biosurvey, 2020) which included a full, in-season floristic-level botanical survey, biological resource assessment, and a delineation of waters of the U.S. However, based on the comments received regarding Biological Resources, as discussed below, and the completed Biological Report (Northwest Biosurvey, 2020), the project proposal and Draft IS/MND has been revised to incorporate additional discussion of biological resources and mitigations proposed in the Biological Report. The findings of the Biological Report (Northwest Biosurvey, 2020) are detailed, below, in the appropriate section.

4.1 Sensitive Plant and Wildlife Species

Each of the six (6) comment letters mentioned above discuss the need for seasonally-appropriate botanical surveys and biological and habitat assessments to determine the potential for sensitive natural resources to

be present on-site and adequately analyze the project's potential impacts to biological resources. The comment letters from the CNPS and CDFW reference specific survey protocol for conducting the aforementioned surveys. Additionally, the comment letter from CDFW discusses the mitigation proposed in Section IV (Biological Resources) of the Draft IS/MND and states that the action proposed in Mitigation Measure BIO-1 included in the Draft IS/MND, to relocate rare plants if they cannot be avoided, has been demonstrated to have a low likelihood of success.

The Biological Report (Northwest Biosurvey, 2020) included a biological resource assessment which compared existing habitat conditions within the project boundaries to the geographic range and habitat requirements of sensitive plants and wildlife. The biological resource assessment included an analysis of specific site characteristics, paired with knowledge of local plants and wildlife and relevant computer databases to determine the suitability of the Site for sensitive species. In addition, a full, in-season floristic-level survey was conducted for the Site and vegetation communities were identified based on the nomenclature of *A Manual of California Vegetation* (Sawyer et al. 2009) as modified by the CNPS. Plants occurring on the site were identified using *The Jepson Manual of Higher Plants of California*. Where necessary, species names were updated based on the 6th edition, *CNPS Inventory of Rare and Endangered Plants of California*.

As provided in the Biological Report (Northwest Biosurvey, 2020), no sensitive plant taxa were identified on-site during the in-season, floristic-level botanical surveys; however, based on the wildlife habitat analysis and wildlife assessment, there is a potential for the following wildlife species with sensitive regulatory status to be located on-site within oak woodlands and grasslands:

- Grasshopper sparrow (*Ammodramus savannarum*);
- Raptors and passerines; and
- Pallid bat (*Antrozous pallidus*).

The Biological Report (Northwest Biosurvey, 2020) recommends mitigation measures for reducing potential impacts to sensitive wildlife. These mitigation measures have been incorporated into Section IV (Biological Resources) of the Revised Draft IS/MND, as follows, unless further modified by the County, as Lead Agency prior to circulation of the Revised Draft IS/MND:

BIO-1: If construction, including vegetation removal, is proposed to occur during the nesting season for grasshopper sparrows and for raptors and passerines (February 15 through August 31), the work shall be preceded by a pre-construction nest survey encompassing the proposed areas of disturbance and the surrounding area (no less than 100 feet from the proposed areas of disturbance, where possible) conducted by a qualified biologist within 14 days of the start of construction, including vegetation removal. If an active nest of a sensitive bird species is found, a construction buffer shall be established around the nest in consultation with CDFW staff and shall remain in place until fledging is completed or until it is determined that the nesting effort has failed as determined by the qualified biologist. If no active nests are found, construction, including vegetation removal, shall proceed.

BIO-2: If construction, including vegetation removal, is proposed within woodland habitat during the maternity roosting season for bats (April 1 through September 15), trees with features capable of supporting roosting bats shall be surveyed by a qualified biologist for bat roosts or evidence of bat roosting (guano, urine staining and scent, dead bats) within 14 days of the start of construction, including vegetation removal. If active roosts are discovered, a buffer of no less than 50 feet around

the active roost shall be established by the qualified biologist. Removal may occur once active roosting ceases, as determined by the qualified biologist.

Please refer to Section IV (Biological Resources) and Appendix C (Biological Report) of the Revised Draft IS/MND for more information pertaining to sensitive plant and wildlife species.

4.2 Wetlands and Riparian Habitat

The comment letters from CDFW, dated May 7, 2020 and Ms. Jennifer Brook Gamble, dated May 11, 2020 discuss the need for a seasonally-appropriate wetland delineation to determine the location or extent of on-site wetland and riparian habitat. The comment letter from CDFW states that the Draft IS/MND should identify potential direct and indirect impacts to riparian vegetation and propose effective mitigation, including performance standards, if potential impacts are identified. CDFW additionally recommends that mitigation ratios greater than 1:1 should be included to achieve a no-net-loss of wetlands or riparian habitat and should establish a minimum disturbance buffer of 100 feet from any identified resources.

As described in the Biological Report prepared by Northwest Biosurvey on June 25, 2020, a delineation of waters of the U.S. was conducted due to the presence of streams on the Site. The delineation was conducted as prescribed in the *Corps of Engineers Wetlands Delineation Manual*, dated January 1987 and the *Arid West 2008 Supplement*. The survey included use of lidar mapped overlays and an extensive foot survey. Results of the Biological Report (Northwest Biosurvey, 2020) indicate that 3.277 acres of aquatic resources, including intermittent and ephemeral streams were delineated on-site, and no wetlands were delineated. The recommendations provided by the Biological Report (Northwest Biosurvey, 2020) for reducing potential impacts to waterways have been incorporated, where relevant, into Section IV (Biological Resources) of the Revised Draft IS/MND and the following mitigation measure, as written, unless further modified by the County, as Lead Agency prior to circulation of the Revised Draft IS/MND:

BIO-3: Due to the proposed impacts to on-site ephemeral drainages, the project applicant shall obtain a Section 404 Clean Water Act (CWA) permit through the U.S. Army Corps of Engineers for impacts to waters of the United States, a Section 401 Water Quality Certification from the North Coast Regional Water Quality Control Board (NCRWQCB), and a Section 1602 Lake or Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW) for impacts to the stream corridor (defined by CDFW as the top of bank plus the outer edge of the dripline of riparian vegetation). These permits shall be obtained prior to issuance of grading permits and implementation of the project and will identify conditions the Applicant will implement. Conditions shall include but not be limited to the implementation of erosion and bank stabilization measures, riparian habitat enhancement, and/or restoration and revegetation of the stream corridor habitat at no less than a 1:1 ratio.

The Applicant shall design the project such that it will not result in a loss of functions and values of waters of the United States or State through impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined by the resource agencies. The Applicant shall design the project to limit the obstruction of and human intrusion into the riparian area of the on-site ephemeral drainages, to the extent feasible. Where crossings of the ephemeral drainages are necessary, the crossings shall use open bank areas lacking dense vegetation, where possible. If it is determined, through obtaining an Approved Jurisdictional Determination through the USACE, that the aquatic resource features on the project site are not jurisdictional under the Clean Water Act, then the Section 404 CWA permit and Section 401 WQC may not be required.

Compensatory mitigation may consist of:

1. Providing on-site compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity in a location at or adjacent to the impact site;
2. Providing off-site compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity at another location, usually within the same watershed as the permitted impact;
3. Obtaining credits from a mitigation bank; and/or
4. Making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities. The Applicant retains responsibility for the implementation and success of the mitigation project.

Evidence of compliance with this mitigation measure shall be provided prior to initiating construction and grading activities for the project.

Please refer to Section IV (Biological Resources) and Appendix C (Biological Report) of the Revised Draft IS/MND for more information pertaining to wetlands and riparian habitat.

4.3 Sensitive Plant and Wildlife Habitat and Wildlife Corridors

The comment letters received from CWF and COC, dated May 7, 2020, CDFW, dated May 7, 2020, and CNPS, dated March 2, 2020, each included comments related to the potential impacts of the project on sensitive plant and wildlife habitat and/or wildlife corridors. The comments provided by CDFW include a statement that the Site is within a North-South habitat connectivity linkage identified in the California Essential Habitat Connectivity Project, is part of an important wildlife corridor connecting large tracks of wildlands, and provides quality wildlife habitat in comparison to the more intensively managed agricultural lands that border the Site to the north and south. CDFW additionally recommends avoidance, minimization, and mitigation measures to include in the Draft IS/MND to maintain wildlife movement through the established wildlife corridor.

As noted above, the Biological Report (Northwest Biosurvey, 2020) included, but was not limited to, a biological resource assessment, which consisted of an evaluation of the potential for the property to contain sensitive plant and wildlife habitat. The Biological Report (Northwest Biosurvey, 2020) mapped the entirety of the Site for vegetation in order to provide project context and found that the Site contains four (4) plant communities, or vegetation types, based on or derived from the "Standardized Classification" scheme described in the CNPS *A Manual of California Vegetation*. These vegetation types and other cover types include: Mixed Oak Woodland, Blue Oak Woodland, Chamise Chaparral, Wild Oat Grassland, and Ruderal (disturbed areas). The Biological Report (Northwest Biosurvey, 2020) additionally states that the Site sits astride a ridge extending between the Sanel and McDowell Valleys that serves as a primary wildlife corridor between extensive open habitats to the north and south, and that night-time noise, lighting, and pets have the potential to adversely impact wildlife movement through the corridor. Northwest Biosurvey provided measures for reducing impacts to the wildlife corridor.

The recommendations for avoidance, minimization, and mitigations measures provided by CDFW and Northwest Biosurvey were evaluated and incorporated into the project design and included in the Section IV (Biological Resources) of the Revised Draft IS/MND, where applicable. Recommendation 4 provided by CDFW recommends that the project's footprint be reduced by clustering the locations of the micro-cabin RVs, reducing the amount of new access roads, and reducing the distance between the micro-cabin RVs.

However, due to the topography of the Site, a reduction in the distance between the cabins is not feasible without substantial grading and tree removal. In addition, standard practices regarding fencing, lighting, noise, pets, and trash enclosures would limit the project's impact on the established wildlife corridor. The proposed project would not include any barriers to wildlife movement through the Site, as fences would be utilized in a limited capacity on-site for screening micro-cabin RVs from the adjacent residence, areas of the Site not available to guests, the lodge facility, and any above-ground infrastructure, if needed. Potential impacts to wildlife would be further reduced by the use of downcast and shielded lighting, in compliance with regulations set by the International Dark-Sky Association. Each cabin will be equipped with a single, dimmable, and downward-facing exterior light which would be mounted on the exterior of the micro-cabin RVs to illuminate the nameplate and stairs to the micro-cabin RV and emit a low, warm glow (2700K), and with retractable shades on each window, which are often drawn down at night. No lighting would be used on roads and driveways. Night-time noise would be subject to a 10:00 pm curfew and no amplified music would be permitted outside of the micro-cabin RVs. Interactions between wildlife and humans would be further reduced as pets would be required to be kept indoor at night, and on a leash and under direct supervision at all times while on-site, and trash receptacles for visitors would be located inside individual micro-cabin RVs. Individual small metal lidded trash cans would be provided outside each micro-cabin RV for dog waste only. The trash enclosure at the lodge facility for storing all waste from the Site would be securely covered and removed from the Site by a local service provider for solid waste services. Standard rules for the Site must be read and agreed to before a guest may check-in and will be placed inside each micro-cabin RV, where they will be accessible to guests at all times. Implementation of and compliance with these standards would be monitored and enforced by the on-site manager and violations would be subject to a monetary fine.

Please refer to Section IV (Biological Resources) and Appendix C (Biological Report) of the Revised Draft IS/MND for more information pertaining to habitats and wildlife corridors.

4.4 Oak Woodlands and Tree Removal

The comment letters received from the MCFB, dated April 29, 2020, CWF and COC, dated May 7, 2020, CDFW, dated May 7, 2020, Ms. Jennifer Brook Gamble, dated May 11, 2020, and Hopland and Ukiah Valley residents, received by the County May 13, 2020, each discuss concern with the proposed project's potential impacts to existing trees on-site, principally oaks. Specific concerns regarding tree removal expressed in the comment letters include, but are not limited to: the potential impacts of tree removal on greenhouse gases (GHG), as indicated by the CWF and COC, the substantial habitat and ecosystem value that mature oak trees provide, as described by CDFW, and the statement in the letter from Hopland and Ukiah Valley residents that the reduction in trees could exacerbate view exposure of the Site to neighbors and enhance the noise pollution emanating from the project. Beyond the potential tree removal caused by the development shown on the project's Preliminary Site Plan (LACO, 2020), CDFW and the Hopland and Ukiah Valley residents surmise that tree removal would be required for fire safe buffer standards around each proposed structure and to enhance unit views, respectively.

Comment letters from the MCFB, CDFW, and Ms. Jennifer Brook Gamble indicate, to varying degrees, that the number, species, and size of trees that cannot be avoided should be quantified in order to understand the extent of the project's potential impacts to existing trees. Both the CWF and COC, and CDFW specifically reference California Public Resources Code Section 21083.4, which requires that, when a county is assessing a project's impacts under the California Environmental Quality Act (CEQA), "...a county shall determine whether a project with its jurisdiction may result in the conversion of oak woodlands that will have a significant effect on the environment" and mitigate accordingly. The comment letters from the CWF and COC, and

CDFW provide recommended measures for mitigating potential impacts to oak woodlands, should a significant impact be identified. The recommended measures stem from policies and action items listed in the Mendocino County General Plan (2009) *Chapter 4: Resource Management Element* and prior CDFW recommendations for projects with oak woodland impacts. Recommended mitigation measures include conservation of on-site oak woodlands, planting and maintenance of new oak trees, and/or restoration of former oak woodlands.

As noted above, the Biological Report prepared by Northwest Biosurvey on June 25, 2020 indicates that the vegetation types and other cover types observed on-site include: Mixed Oak Woodland, Blue Oak Woodland, Chamise Chaparral, Wild Oat Grassland, and Ruderal (disturbed areas). The Biological Report (Northwest Biosurvey, 2020) states that the placement of cabins and proposed infrastructure appear to be focused on openings in the woodland canopy, clearings, and open grasslands, and therefore reduces potential tree loss. However, the Biological Report (Northwest Biosurvey, 2020) indicates that excavation of cabin foundations, roadways, and trails beneath the driplines of oaks has a potential to result in additional tree loss, and recommends measures for reducing and avoiding potential impacts.

Avoidance and minimization measures currently incorporated into the proposed project include: the allowance for flexibility in the final locations of the micro-cabin RV pads, walking trails, and access roads, which may be modified, as needed during preparation of the final development plans, to retain trees and vegetation that may be located within the footprint currently proposed for development, and the incorporation of walk-up micro-cabin RV sites which would be accessed via a short walking path rather than a driveway. The final development plans would emphasize a design that limits tree loss and concentrates development in woodland openings and grassland habitat to the extent practical. Development would be limited to areas shown on the Preliminary Site Plan (LACO, 2020), or the final development plans upon their completion and approval by the County of Mendocino. Additionally, as described in the Draft IS/MND, the Applicant would retain existing trees to the extent feasible, limiting tree and vegetation removal to the footprints of the micro-cabin RV pads, access roads/trails, lodge facility and parking area, and 100 feet from each side of the lodge facility, as required by CalFire for defensible space. According to the Conditions of Approval of State Fire Safe Regulations provided by CalFire January 15, 2020, defensible space shall be maintained 100 feet from each side of the structure(s). As such, tree removal for defensible space will be limited to the area surrounding the lodge facility, which is the only permanent structure proposed on-site. Maintaining a forested Site aligns with the Applicant's vision of the development as an escape to nature for the guests. The trees will not only serve as continued habitat, but will also provide shading and development screening to maintain the wooded nature of the Site.

The measures proposed in the Biological Report (Northwest Biosurvey, 2020) and provided in the comment letters from CWF and COC, and CDFW were considered and have been incorporated, where feasible, into Section IV (Biological Resources) of the Revised Draft IS/MND and the following mitigation measure, as written, unless further modified by the County, as Lead Agency prior to circulation of the Revised Draft IS/MND:

BIO-4: The final development plans shall emphasize design that limits tree loss and concentrates development in woodland openings and grassland habitat to the extent practical. Prior to any development activity or the issuance of grading permits, the Applicant shall prepare an Oak Mitigation and Monitoring Plan (Oak MMP) that includes:

1. An inventory of oak trees within the project areas identified as oak woodlands that are proposed to be impacted during construction or that are located within 20 feet of the proposed areas of disturbance. The inventory shall include the location, size, and species of

all oak trees over 12 inches in diameter, measured at approximately 4.5 feet in height. This inventory shall include oak trees to be removed and those to be preserved within the specified areas.

2. The removal of all oak trees 12 inches or more in diameter at breast height shall be mitigated by one or more of the following:
 - **Replanting and maintaining oak trees.** Oak trees proposed for removal shall be replaced at a minimum 3:1 mitigation ratio. To the extent feasible, mitigation shall be on-site to recreate and eventually re-establish the oak woodland habitat lost by the implementation of the proposed project. If on-site mitigation is not feasible, the Applicant shall propose and receive approval from the County of Mendocino Department of Planning and Building Services (PBS) for the location of off-site mitigation. Replanted trees shall be planted in areas deemed appropriate by the Oak MMP, considering the locations of the micro-cabin RV pads, trails, access roads, and utilities. Trees planted shall be protected from disturbance by occupants of the Site using split rail or "state-park" style fencing to ensure encroachment into areas to be protected are limited. Replanted oak trees shall be maintained for a period of three years after they are planted. If any of the replanted oak trees die or become diseased, they shall be replaced and maintained for three years after the new oak trees are planted. The Oak MMP shall include a monitoring plan that includes identification of a watering system, a three year Monitoring and Reporting Schedule, and reporting requirements to ensure the success of the newly planted oak trees.
 - **Establishing conservation easements.** Conservation easements or funds for off-site oak woodlands conservation shall be proposed to and approved by the Director of PBS or his/her designee.
 - **Contributing funds for off-site oak woodlands conservation.**
 - **Designation and protection of natural recruitment areas.** The Oak MMP shall identify natural recruitment areas, if any, to be established in areas where no development is proposed. Natural recruitment areas shall be identified on the final development plans and where occupants of the Site will be discouraged from encroaching. Split-rail or "state-park fencing" shall be used to discourage encroachment by occupants of the Site and enhance natural recruitment of oaks and oak habitat. Natural recruitment may satisfy a portion of the requirement for the replacement of oak trees to be removed, if it can be demonstrated in the Oak MMP that the natural recruitment area will be as successful, if not more successful, as the planting of new oak trees at re-establishing oak woodland habitat at the Site.
 - The removal of oak trees 12 inches or more in diameter at breast height that are determined by a qualified arborist to have poor health or poor structure shall be exempt from compensatory requirements.
3. Construction activities shall avoid excavation beneath the driplines of oak trees for all oak trees that have not been approved for removal as part of the Oak MMP, to the extent feasible. In areas where improvements beneath the driplines of oak trees may be necessary, trails and roadways shall limit actual excavation and implement structural erosion control measures (for example, utilize rolling dips in place of water bars). Oak Tree protection measures for trees to be retained within 50 feet of the proposed areas of disturbance shall be included in construction specifications. Each oak tree to be preserved shall be surrounded by a tree zone identified by the drip line of the tree. An orange plastic fence or

other suitable type of fence shall be used to identify the tree zone during construction activities. No vegetation removal, soil disturbance, or other development activities shall occur within the tree zone in order to protect root systems and limit compaction of the soil, unless authorized by Oak MMP.

The Oak MMP and final development plans shall be provided to and approved by the Mendocino County Department of Planning and Building Services (PBS) prior to the issuance of grading permits and implementation of the project.

Please refer to Section IV (Biological Resources) and Appendix D (Biological Report) of the Revised Draft IS/MND for more information pertaining to the project's potential impacts on oak woodlands and tree removal in general.

5.0 RESPONSE TO COMMENTS ON LAND USE/ZONING

Six (6) of the comment letters question the project's compatibility with the land use and zoning designations of the Site. As discussed above, the Site is currently zoned as Rangeland (R-L 160) under the Mendocino County Zoning Code and has a land use designation of Rangelands (RL160) under the Mendocino County General Plan (2009). Per Section. 20.060.025 – *Uses Subject to a Major Use Permit* of the Mendocino County Zoning Code (adopted 1997), the proposed use would be permitted as 'Transient Habitation – Campground,' subject to a Major Use Permit. As such, with the approval of a Major Use Permit, the proposed project would be in compliance with the existing land use and zoning of the Site. Please refer to Section 3.0 of this memo, above, for a discussion on the project's impact on agricultural resources, including rangeland uses.

6.0 RESPONSE TO COMMENTS ON NOISE

The letter received from Downey Brand dated May 11, 2020 requests that the standard conditions related to Noise provided in the Draft IS/MND, which include "limiting construction hours within 500 feet of residential uses to the hours of 7:00 a.m. and 7:00 p.m. weekdays, using quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating staging areas as far away as possible from noise-sensitive land use areas," be adopted as enforceable mitigation measures and conditions of approval. Approval of the Major Use Permit will require that the project be found to be consistent with the Mendocino County General Plan (2009), including the noise compatibility guidelines described in the Draft IS/MND, which set exterior and interior noise limits. As the project is not anticipated to generate excessive noise beyond the standards provided in the Mendocino County noise compatibility guidelines, there would be a less than significant impact, as designed, and no mitigations would be required to reduce the impact to less than significant. The standard conditions provided above are to be included in the project design and will reduce potential impacts related to noise on the adjacent residence.

Additionally, the letter (Downey Brand, May 11, 2020) specifies that only construction noise is evaluated in the Draft IS/MND. Discussion of operational noise is provided in the Noise Section of the Draft IS/MND, which states that once the proposed project is operational, a manager would reside on-site and the manager, including daytime staff, would be responsible for ensuring visitors to the Site do not exceed the established noise standards specified in the noise compatibility guidelines. Additionally, the Revised Draft IS/MND clarifies that guests will be required to comply with an operational standard that limits night-time noise to a 10:00 pm

curfew and prohibits amplified music outside of the micro-cabin RVs, enforceable by monetary fine by the on-site manager.

7.0 RESPONSE TO COMMENTS ON TRANSPORTATION

The comment letters provided by Mr. Tony Stephen and Ms. Nancy Walker, dated May 8, 2020, Downey Brand, dated May 11, 2020, and Hopland and Ukiah Valley residents, received by the County May 13, 2020, each include discussion of potential transportation-related impacts of the proposed project, including traffic and roads. Each of these comment letters discussed potential impacts of the proposed project on Old Toll Road and stated that additional study would be needed.

The Major Use Permit application was referred to the Mendocino County Department of Transportation (MCDOT) and the California Department of Transportation (Caltrans) on February 18, 2020. No response was received from Caltrans and in a referral response dated March 5, 2020, the MCDOT recommended the following conditions of approval which would be incorporated into the County's approval of the proposed project:

1. A Commercial Driveway Approach shall be constructed at each proposed entrance onto Old Toll Road (CR 108), in accordance with Mendocino County Road and Development Standards No. A51B, or as modified by applicant and approved by Department of Transportation staff during field review, to be paved with asphalt concrete or comparable surfacing to the adjacent road. Concrete driveways shall not be permitted.
2. Applicant shall apply double chip seal surfacing to Old Toll Road (CR 108) from State Highway 175 to site entrance. Prior to applying chip seal, dig outs and patch repairs shall be performed where needed, as determined by Mendocino County Department of Transportation staff.
3. Applicant shall obtain an encroachment permit from the Mendocino County Department of Transportation for any work within County rights-of-way.

The Less than Significant Impact determination made by the County in the Transportation section of the Draft IS/MND was based, in part, on the review and conditions of the MCDOT. In order to ensure all project components are clearly presented, the Revised Draft IS/MND, described above, will include discussion of the MCDOT referral.

Additionally, the letter received from Downey Brand states that the Draft IS/MND "does not use any threshold of significance for evaluating traffic, and therefore fails to disclose traffic impacts, as CEQA requires." The requirement to evaluate a project's impacts to VMT's went into effect July 1, 2020. In addition, as of the date of this response, the County of Mendocino has no adopted thresholds of significance for evaluating a project's impacts on Vehicle Miles Traveled (VMTs), therefore a qualitative description of transportation-related impacts is valid. As such, the Revised Draft IS/MND will include a qualitative analysis of the project's impacts to VMT's, in accordance with guidance provided by the Governor's Office and Planning and Research's (OPR) 2018 *Technical Advisory on Evaluating Transportation Impacts in CEQA*.

8.0 RESPONSE TO COMMENTS ON TRIBAL/CULTURAL RESOURCES

The comment letters received from the California Wildlife Foundation (CWF) and California Oaks Coalition (COC), dated May 7, 2020, and Downey Brand, dated May 11, 2020 question the discussion in the Draft IS/MND on the project's potential impacts on tribal cultural resources. In addition to the initial outreach to

the Hopland Band of Pomo Indians referenced in the Draft IS/MND, the County and the Applicant have continued separate discussions with the Hopland Band of Pomo Indians to ensure impacts to potential Tribal Cultural Resources are limited. On June 12, 2020, the Applicant contacted the Hopland Band of Pomo Indians via email to request additional input on the proposed project. On June 17, 2020, the THPO for the Hopland Band of Pomo Indians responded via email to request that the Applicant have tribal monitors overseeing the project during earth-moving activities. The Applicant continued to contact the THPO for the Hopland Band of Pomo Indians to seek additional information and detail on the request for tribal monitors; however, no subsequent responses were received. The Revised Draft IS/MND includes details on the subsequent communications and based on the request of the THPO, the Applicant has agreed to notify the Hopland Band of Pomo Indians prior to any subsurface construction activities taking place, and would welcome tribal representatives on-site during subsurface construction for observation. A Condition of Approval would be added to the Use Permit to reflect this agreement, and Mitigation Measure CUL-1, as written below, unless modified by the County of Mendocino, as Lead Agency, prior to circulation of the Revised Draft IS/MND, is proposed to reflect this.

CUL-1 In addition to the standard Discovery Clause included on all projects, a note shall be placed on all grading plans that the applicant/operator shall notify the Hopland Band of Pomo Indians prior to any ground disturbance, and agree to open the Site to the Tribe for monitoring during subsurface construction in order to ensure appropriate treatment of any artifacts uncovered.

Please refer to Section V (Cultural Resources) and Section XVIII (Tribal Cultural Resources) of the Revised Draft IS/MND for more information pertaining to the project's potential impacts on cultural and tribal cultural resources.

9.0 RESPONSE TO COMMENTS ON WATER RESOURCES

The comment letters received from Mendocino County Division of Environmental Health (MCDEH), dated April 13, 2020, MCFB, dated April 29, 2020, Mr. Tony Stephen and Ms. Nancy Walker, dated May 8, 2020, Ms. Jennifer Brook Gamble, dated May 11, 2020, and Downey Brand, dated May 11, 2020, included comments on both the proposed estimated water use and the water resources within and in the vicinity of the Site.

9.1 Water Use

The comment letters from Mr. Tony Stephen and Ms. Nancy Walker, Ms. Jennifer Brook Gamble, and Downey Brand question the adequacy of the water use estimates provided in the Draft IS/MND, with Ms. Jennifer Brook Gamble citing daily water use estimates for indoor home use as 80-100 gallons of water per person, per day, as provided by the U.S. Geological Survey.

As described in the Draft IS/MND and as provided in the *Getaway Outpost Estimated Water Use Technical Memo* (Water Use Memo) prepared by LACO and dated October 14, 2020, the estimated water demand for the proposed project is based on data collected from operational Outposts with a similar number of cabins as the proposed project. These estimates are based on the use of low flow plumbing fixtures, including shower heads, faucets, and toilets, which would be installed as part of the proposed project.

Downey Brand additionally comments on the project's potential impact on the quality of the area water supply that is critical to ongoing agricultural operations, through erosion, siltation, and introduction of pollutants.

The proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. The permanent structures, access roads, and walking trails proposed on-site would be constructed in accordance with the most recent standards set by all regulatory agencies, including but not limited to the County and state and local water quality control boards [State Water Resources Control Board (SWRCB) and the NCRWQCB]. Additionally, the project would be subject to the Statewide Construction General Permit (CGP), which requires the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) that specifies erosion and sediment control construction BMPs to reduce or eliminate construction-related impacts to the water quality of receiving water bodies. Since the majority of the 90.87-acre Site would remain undeveloped, stormwater runoff would continue to flow naturally and infiltrate into the soil. Existing vegetation would be preserved, to the extent feasible, and would help to filter potential pollutants from stormwater flows. In addition, the project's proposed septic system would be installed in compliance with all applicable standards and regulations. The proposed private water system would be permitted through the SWRCB Division of Drinking Water as a transient non-community water system and would be subject to the standards and monitoring requirements set by federal and state laws, including but not limited to, Title 22 of the California Code of Regulations and the California Safe Drinking Water Act. Compliance with the required water supply permit includes ongoing monitoring of the water system and annual reports to be submitted to the SWRCB.

Downey Brand questions whether adequate water is available for firefighting. The Draft IS/MND states that a 20,000 gallon water tank is proposed on-site, 5,000 gallons of which would be dedicated as emergency water storage, as required by CalFire. However, as described below in the response to comments on wildfire, on June 25, 2020, LACO, on behalf of the Applicant, contacted the Hopland Fire Protection District (HFPD) to request input on the proposed project from the HFPD. That same date, the HFPD responded with a request to provide an additional 5,000 gallons of dedicated emergency water storage on-site, for a total of 10,000 gallons. Water storage proposed on-site will include a 20,000 gallon treated water tank that includes 10,000 gallons of dedicated emergency water, and a 6,000 gallon raw water tank to be utilized for treatment. The 20,000 gallon tank would include standby water volume for fire flow to on-site hydrants, the fire sprinkler system in the lodge facility, and the supply for daily flow of the treated water for use by the micro-cabin RVs and lodge facility.

9.2 Water Resources

Ms. Jennifer Brook Gamble expresses concern with the project's potential impacts to the watershed, in consideration of drought and a changing climate. This comment specifically states that sensitive fish species in the watershed in which the Site is located could be affected by a non-agricultural (and non-essential) development at the Site. Comment letters from the MCFB and Mr. Tony Stephen and Ms. Nancy Walker state that water resources are finite and have been historically limited in the vicinity of the Site. MCFB opposes new development that requires water at the expense of agricultural water supplies.

As explained in the Water Use Memo (LACO, October 2020), at 85-percent occupancy (the yearly average occupancy for Getaway Outposts), approximately 1.26 million gallons per year (GPY) would be anticipated to be used by the proposed project. Compared to the available watershed runoff of approximately 20.69 million GPY in a drought year (presented in the Water Use Memo), the proposed project would use approximately 6.1-percent of the available watershed runoff into the aquifer in an average drought year, and only 2.4-percent of the available watershed runoff in an average rainfall year. For comparison, data prepared by the University of California Agriculture and Natural Resources (UCANR, 2014) states that in Lake County, the irrigation required for a typical vineyard is 8 to 11 inches of water per acre, plus an additional 6 inches of water per acre if frost protection is required. These volumes are equivalent to 0.22 to 0.30 million

GPY per acre for irrigation and an additional 0.17 million GPY per acre for frost protection. Based on these values, a typical vineyard would require approximately 0.38 to 0.47 million GPY per acre. Based on these values, the estimated water usage per year of the proposed project would be comparable to the irrigation and frost protection of 2.72 to 3.30 acres of vineyard if it were planted at the Site. The Site currently has approximately 3.5 to 4 acres of potentially plantable area on gentle slopes (2 to 5 percent slope), with the potential to allow for additional plantable area on the steeper slopes (up to 35 percent slope) if it was desired to be developed with a vineyard, which is a Permitted Use, and thereby not subject to discretionary review, on the Site per Section 20.060.010 (adopted 1987) of the Mendocino County Code.

Please refer to Section X (Hydrology and Water Quality) and the Water Use Memo (LACO, 2020), provided as Appendix E of the Revised Draft IS/MND for more information pertaining to the project's potential impacts on water resources.

10.0 RESPONSE TO COMMENT ON WASTEWATER

The comment letter received from Hopland and Ukiah Valley residents, received by the County May 13, 2020, questioned the feasibility of the sewage disposal system proposed for the project. As described in the Draft IS/MND, wastewater generated at each of the micro-cabin RVs and the lodge facility will be gravity fed into septic tank/pump basin units serving up to 3 or 4 micro-cabin RVs, and the lodge facility, together with joint lift stations, as needed, to a series of septic tanks and into a centralized wastewater treatment module. Treated effluent will be disposed of using a pressurized drip irrigation system to be placed in the basin in the central portion of the Site, as indicated on the Preliminary Site Plan (LACO, 2020), where the most suitable soils for septic system treatment and percolation exist on the Site. In order to identify if soil and groundwater conditions would support the proposed flow capacity, a site exploration was performed by LACO on December 9, 2019, utilizing ten test pits. Bulk soil samples were collected from each soil layer within the test pits for textural analysis in LACO's materials testing laboratory. Results from materials testing and observations in the field indicate suitable soil conditions in the basin in the central portion of the Site, as shown on Figure 2 of the Draft IS/MND.

11.0 RESPONSE TO COMMENTS ON WILDFIRE

The comment letters received from Mr. Tony Stephen and Ms. Nancy Walker, dated, May 8, 2020, Ms. Jennifer Brook Gamble, dated May 11, 2020, Downey Brand, dated May 11, 2020, and Hopland and Ukiah Valley residents, received by the County May 13, 2020, express concerns that the proposed project will lead to an increased risk of wildfire in an area with historic threats of wildfire.

As described in the Draft IS/MND, standard fire-safe operating procedures that guests and staff would be expected to comply with and implement year-round include utilizing U.S. Forest Service (USFS)-approved fire pits that would be locked by on-site staff during burn bans, designating areas where smoking is prohibited, providing parking areas surfaced for year-round travel, general clearing of understory and brush, and the provision of a fire extinguisher within each micro-cabin RV. Additionally, an additional mitigation measure (HAZ-2, below) has been included in the Revised Draft IS/MND that will require that the Applicant prepare a fire safety and evacuation plan in accordance with California Fire Code (CFC) Chapter 4. The fire safety and evacuation plan will require approval from the Mendocino County Department of Planning and Building Services, CalFire and the Hopland Fire Protection District (HFPD) prior to occupancy of the Site. The fire safety and evacuation plan will require practices such as clear evacuation plans and staff training on emergency protocols. The proposed mitigation measure is as follows, unless further modified by the County, as Lead Agency prior to circulation of the Revised Draft IS/MND:

HAZ-2: An emergency plan, developed in accordance to California Fire Code (CFC) Chapter 4, including 403.10.1 for R1 occupancies and 403.13 for Organized Camps, shall be prepared. The emergency plan shall be provided to and approved by the Mendocino County Department of Planning and Building Services and CalFire prior to occupancy of the Site.

In addition, it should be noted that the Major Use Permit application was referred to the HFPD, also referred to as the Sanel Valley Fire District, and the California Department of Forestry and Fire Protection (CalFire) on February 18, 2020. No response was received from the HFPD and in a response dated February 24, 2020 CalFire responded that the project must meet all conditions of approval in the CalFire Fire Safe Application. As noted in the Draft IS/MND, as required in the conditions received from CalFire on January 15, 2020, the project would be required to comply with standards related to addresses, driveways, defensible space maintenance and fuels modification, and emergency water storage. On June 25, 2020, LACO, on behalf of the Applicant, contacted the HFPD requesting feedback on the proposed project. Ron Roysum, Battalion Chief and Fire Marshal with the HFPD responded with a request to provide an additional 5,000 gallons of dedicated emergency water storage on-site, for a total of 10,000 gallons. The HFPD additionally requires the completion of a standard Application for Fire District Plan Review and a complete set of plans prior to approval of any building permits for the proposed project.

APPENDIX A

Comment Letters Received on the Draft Initial Study

March 2, 2020

Susan Summerford
Staff Planner_ Project Coordinator
Department of Planning and Building Services
County of Mendocino
860 North Bush St., Ukiah, CA 95482

RE: Case # U_2020_0002

Dear Susan,

We are writing to provide comments on Case # U_2020-0002, a development project by Gateway House Inc. on property owned by Brutocao Vineyards. The California Native Plant Society is a statewide organization dedicated to the preservation of native plants and their natural habitats, and to increasing understanding, appreciation, and horticultural use of native plants since 1965. The Sanhedrin Chapter of the California Native Plant Society comprises the inland part of Mendocino County and all of Lake County, and has been active in the area since 1981.

There are several issues we see as needing to be addressed with this project. First and foremost, the mitigated negative declaration for CEQA reporting is not applicable in this case, for several reasons.

1) Adequacy of botanical surveys.

- a. Clearly, as LACO Associates (project agent) admits, the botanical survey is preliminary, however no information is provided regarding follow up site visits during the spring-summer period. As submitted, the botanical report does not meet the requirements as outlined by the State of California and therefore is insufficient to justify a negative declaration for the facility. In particular, only one survey was conducted during a time of year (fall) when potentially occurring rare species are pasts their life cycle. By not following the "Protocols" (see reference below) the information provided by the applicant is inadequate and cannot be used to make an informed decision regarding the proposed project's impact to rare, threatened, or endangered plant species.

The investigations of potential occurring rare species should be broadened to include an area comprising 9 USGS 7.5' quads, not just the Hopland quad. Rare species, by their nature, often show patchy and sometimes disjunct patterns of rarity across relatively large ranges. Rare or even restricted species are commonly found outside their known ranges and habitat preferences. Therefore, declaring species presence or absence based entirely on habitat designations or known ranges is not valid. In sum, a floristic survey encompassing multiple site visits (minimum of 3) must be conducted across the local blooming and fruiting period

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following the California Department of Fish and Wildlife (CDFW) protocols referenced below.

Additional site visits may be needed in future years due to the recent drought conditions. CDFW protocols state,

“The timing and number of visits necessary to determine if special status plants are present is determined by geographic location, the natural communities present, and the weather patterns of the year(s) in which botanical field surveys are conducted.”

“Adverse conditions from yearly weather patterns may prevent botanical field surveyor from determining the presence of, or accurately identifying, some special status plants in the project area. Disease, drought, predation, fire, herbivory or other disturbance may also preclude the presence or identification of special status plants in any given year.”

- b. Only California Rare Plant Ranks (CRPR) 1 and 2 were considered in the report. These special status plants meet the definition of rare and endangered under CEQA and either are or eligible for state listing. It is mandatory that they be addressed in environmental documents related to development, resource extraction, and restoration projects. Even though few plants from CRPR 3 and CRPR 4 are eligible for state listing, some are significant locally, therefore the CDFW recommends these species be evaluated for consideration in preparation of CEQA documents. Compared to plants with no rare plant ranking, CRPR 3 and 4 species are more likely to become rarer over time from habitat loss and the associated impacts of climate, so it is important to consider these plants during preliminary investigations and field surveys. Changes over time in habitat conditions along with natural seasonal variation influence species composition. Rare species rankings are continually updated based on current knowledge of their distribution and abundance and as a result their status upgraded or downgraded. The inclusion of all CRPR plants is standard protocol in CEQA documents.

CRPR 1A (presumed extinct in California)

CRPR 1B (rare or endangered in California and elsewhere)

CRPR 2A (presumed extirpated or extinct in California, but not elsewhere)

CRPR 2B (rare, threatened, or endangered in California but not elsewhere)

CRPR 3 (plants about which more information is needed, a review list)

CRPR 4 (plants of limited distribution, a watch list)

- 2) Habitat fragmentation: This project appears to spread the proposed development as widely across the property as possible, creating the maximum amount of impact possible for these 45 habitats, including road development, sewer, and electrical development. This ensures that the project will impact the whole proposed development area, rather than concentrating impacts in one area.

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The project description states that vegetation, including oak trees, will only be removed within the building footprint. It does not indicate how much tree canopy is currently present and what the reduction in canopy cover will be. Given the project proposal of 45 new buildings, this could include a large percent of the natural habitat on this site. There is no assessment of the percent of natural habitat on this property that will be removed as part of the construction process.

- 3) Zoning: Sec. 20.060.005 of the Mendocino County code regarding rangeland states: "This district is intended to create and preserve areas for, (A) the grazing of livestock, (B) the production and harvest of natural resources, and (C) the protection of such natural resources as watershed lands from fire, pollution, erosion, and other detrimental effects. Processing of products produced on the premises would be permitted as would certain commercial activities associated with crop and animal raising. Typically the R-L District would be applied to lands for incorporation into Type II Agricultural Preserves, other lands generally in range use, and intermixed smaller parcels and other contiguous lands the inclusion of which is necessary for the protection and efficient management of rangelands."

This development clearly doesn't fit the bill for rangeland preservation, and would require that the property be re-zoned in order to proceed with the project.

We urge the planning department to reject the proposed project as proposed based on its violation of Mendocino County zoning, and on the basis of inadequate biological surveys.

We appreciate the opportunity to provide comments, and look forward to your follow up with us to ensure the protection of native plants and their habitats. Please keep us apprised of future opportunities for input regarding this matter.

Sincerely,

Andrea Davis, tworns@pacific.net
Kerry Heise, kheise007@gmail.com
Jennifer Riddell, jenariddell@gmail.com
Sanhedrin Chapter CNPS Board: sanhedrincnps@gmail.com

Reference

Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities, STATE OF CALIFORNIA, CALIFORNIA NATURAL RESOURCES AGENCY DEPARTMENT OF FISH AND WILDLIFE. March 20, 2018

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Sanhedrin Chapter 725 Vichy Hills Drive, Ukiah CA 95482

From: Neal Mettler
To: Jesse Davis
CC: Brian Hoy
Date: 4/13/2020 12:50 PM
Subject: RE:U_2020-0002 Getaway House, Hopland Area

Thank you for forwarding the info on this proposed project. In Consumer protection, we have little to say about their proposal, unless they decide to also have food to sell (say a "mini-mart" for their guests), or maybe a pool or hot tub as an extra amenity. In which case, we would need to do a plan check for any proposed food or pool facility.

Interestingly, I noticed that their submittal needs a minor correction - They reference the State Health Department for their water system permit, but the state agency for water system regulation has been moved to the California Water Resources Control Board, Drinking Water Branch. Also, due to the size and commercial nature of their development, I believe that their septic or sewage system needs to be permitted through the State - again the California Water Resources Control Board.

Their Well Permit would be issued through County Environmental Health.

Neal Mettler,REHS
Mendocino County Env. Health
(707)234-6628



Mendocino County Farm Bureau

303-C Talmage Road • Ukiah, CA. 95482 • (707) 462-6664 • Fax (707) 462-6681 • Email: admin@mendocfb.org
Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation

April 29, 2020

Mendocino County Department of Planning and Building Services
C/O Jesse Davis
860 North Bush Street
Ukiah, CA 95482

Submitted Via Email: davisj@mendocinocounty.org

RE: Draft CEQA Initial Study and Environmental Checklist for the Proposed Major Use Permit for the Getaway House Project in Hopland

Dear Mr. Davis,

Mendocino County Farm Bureau (MCFB) is a non-governmental, nonprofit, voluntary membership advocacy group whose purpose is to protect and promote agricultural interests throughout Mendocino County and to find solutions to the problems facing agricultural businesses in our rural community. Since the proposed Getaway House Project (Project) converts existing rangeland, provides for leapfrog development impacts that place development pressure on adjoining agricultural properties and has limited access to water resources MCFB is opposed to the Project and would like to submit the following comments for consideration.

General Comments

- MCFB does not agree with the determination for the Project that mitigations have been agreed to, or will be made, to negate any potential environmental impact and therefore a mitigated negative declaration should be prepared.
- MCFB requests the following comments be considered when reviewing the proposed mitigations for environmental impacts related to the Project and the permit application.

Agriculture and Forestry Resources

- The initial study and environmental checklist states that there will be no impact for 4 out of the 5 checklist elements for the agriculture and forestry resource section. (P.15-Draft Study)
- The Project development would be considered a 'Resort and Recreation Facility' or 'Transient Habitation- Recreational Vehicle Park' as defined under county zoning code and as defined could be an allowable use on rangeland which is the base property zoning. (P.15-Draft Study)
- The development is considered commercial and residential (P.51-Draft Study)
- Base property is not under a Williamson Act Contract (P.15-Draft Study)
- 5.59 acres of the 90.87-acre site is being developed as currently proposed (P.5- Draft Study)
- Surrounding land uses include a residence to the west, vineyards and the Old Toll Road to the west, vineyards to the east, vacant land, and highway 175 to the north, vacant lands to the south, and the Hopland Rancheria to the northeast. (P.9-Draft Study)

- Adjoining property zoning designations are rangeland (RL) or agricultural (AG) (P.4-Map Packet)
- Property is currently vacant and not used for forestry purposes. (P.16- Draft Study)
- Site is located in a rural area with minimal surrounding development, consisting primarily of open agricultural lands. (P. 19- Draft Study)

Comments

- MCFB does NOT agree with the no impact (II.B) determination that was made in relation to the potential conflict that the Project could create with existing zoning for agricultural use as:
 1. This density and resort style development would inhibit any current rangeland use of the property and would inhibit the future use of the property for rangeland purposes.
 2. There is a high likelihood of additional impacts and conversion pressure to the Project parcels and/or adjoining agricultural properties.
- MCFB does NOT agree with the less than significant impact (II. D) determination that was made in relation to the potential conflict that the Project could create with existing zoning for forest land as:
 1. It is not specified in the draft study as to what the exact level of forest/tree removal will be needed to complete the development. The Project assertion of area of impact (6% of parcel area) is preliminary, does not account for actual grading impacts to forest or the required clearing around structures that would be required.
 2. There is no indication that a registered professional forester has been consulted to determine if a Cal Fire conversion exemption or other harvest plan may be needed in relation to the proposed tree removal for the Project development. This is specifically related to species such as Douglas Fir, Pacific Madrone, etc. listed as present on the Project property under P. 14-15 of Appendix B and also listed on P.4 of CalFire's Project comment submittal.
- MCFB does NOT agree with the no impact (II. E) determination that was made in relation to the potential for the Project to convert farmland to non-agricultural uses or convert forestland to non-forest uses as:
 1. The Project property is surrounded by actively farmed agricultural parcels that could be impacted by the transition of the Project property to a commercial use.
 2. While the county code does allow for transient major use permits on rangeland zoning, the scale of this project is essentially a re-zone or will lead to a future re-zone causing not only the Project parcels to be converted from agricultural use, but also has the potential to spread future conversion of adjacent AG or RL parcels.

MCFB feels that this Project does not support a local planning process which accommodates orderly, logical, contiguous patterns of urban development that protect agricultural resources. This Project will have potentially significant impacts to agriculture and forest resources through direct and indirect conversion. There are no mitigations related to the Project's change of land use and how that will impact the agricultural viability on the Project parcels or on adjoining agricultural properties.

Land Use and Planning

- Since the proposed Project would be consistent and compatible with surrounding uses and designations, a less than significant impact would occur. (P.48-Draft Study)

Comments

- MCFB does NOT agree that the Project is compatible with surrounding land uses for the reasons described in the comments for the agriculture and forestry section.
-

Utilities and Service Systems

Water

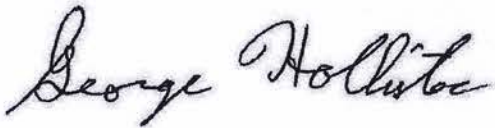
- Domestic water would be provided via a proposed well and private water system. The well would be installed west of the Project parcel in the Sanel Valley floor in the vicinity of existing producing agricultural wells. The Project applicant has been given permission to drill a well on adjacent property with the amount of daily water pumped to not exceed 5,000 gallons. (P. 68- Draft Study)
- Estimated daily water needs for proposed Project facilities is 4073.5 gallons (P. 6 – Proposed Study)
- The project water system will include a raw water supply pipe with booster pumps to supply a raw water storage tank at the upper elevation of the project area. The anticipated volume of the raw water tank, to be constructed using materials that meet appropriate CalFire standards, is currently estimated at 20,000 gallons, which will include standby water volume for fire flow to on-site hydrants, the fire sprinkler system in the lodge facility, and the supply for daily flow of the treated water for use by the micro-cabin RVs and lodge facility. (P. 68-Draft Study)
- As required in the conditions received from CalFire on January 15, 2020, a minimum 5,000 gallon dedicated water storage will be provided on-site for emergency water use and is included in the 20,000 gallon tank mentioned previously. (P.68-Draft Study)
- There will be an independent untreated water main system transporting water from the 20,000 gallon tank to the hydrants and the fire sprinkler system in the lodge facility. Although the micro-cabin RVs are exempt from fire sprinklers, a fire supply riser will be placed within 150 feet of each proposed micro-cabin RV pad. (P68-Draft Study)
- A building will be constructed adjacent to the raw water tank to house the booster pumps or transfer pumps to supply the raw water to the water treatment system and hydrants. (P.68-Draft Study)

Comments

- Historically there is limited water supply in the vicinity of the Project parcels.
- The Project proposes drilling a new well that could impact agricultural water availability for existing and adjoining agricultural uses.
- MCFB opposes new developments that require water at the expense of agricultural water supplies.

MCFB appreciates the opportunity to submit comments related to the Project. The significant concerns expressed above about rangeland conversion, leapfrog development that places further development pressure on adjoining agricultural properties, and limited water resources need to be considered in the planning process related to the permit application. If there are any questions regarding these comments, please feel free to contact the MCFB office.

Sincerely,

A handwritten signature in cursive script that reads "George Hollister". The signature is written in dark ink and is positioned above the printed name and title.

George Hollister
President



May 7, 2020

Jesse Davis, Senior Planner
County of Mendocino
Department of Planning and Building Services
860 North Bush Street
Ukiah, CA 95482

Transmitted via email: davisj@mendocinocounty.org

RE: Case # U_2020-0002, Notice of an Initial Study for the Proposed Major Use Permit:
Getaway House, Hopland, CA

Dear Jesse Davis:

The California Oaks program of California Wildlife Foundation (CWF/CO) works to conserve oak ecosystems because of their critical role in sequestering carbon, maintaining healthy watersheds, providing wildlife habitat, and sustaining cultural values. CWF/CO reviewed the Preliminary Biological Survey (Appendix B), Mitigation and Monitoring Program (Appendix A), Revised Project Description, Draft Initial Study, Preliminary Site Diagram, and Environmental Checklist for the proposed Getaway House project in Hopland. The proposed project is in not in compliance with California law regarding analysis of and mitigation for oak woodland impacts, and it runs counter to a number of provisions of the County of Mendocino General Plan. The project's potential tribal cultural impacts are also troubling. The project should not be granted a Mitigated Negative Declaration.

PROJECT IMPACTS ON OAK WOODLANDS

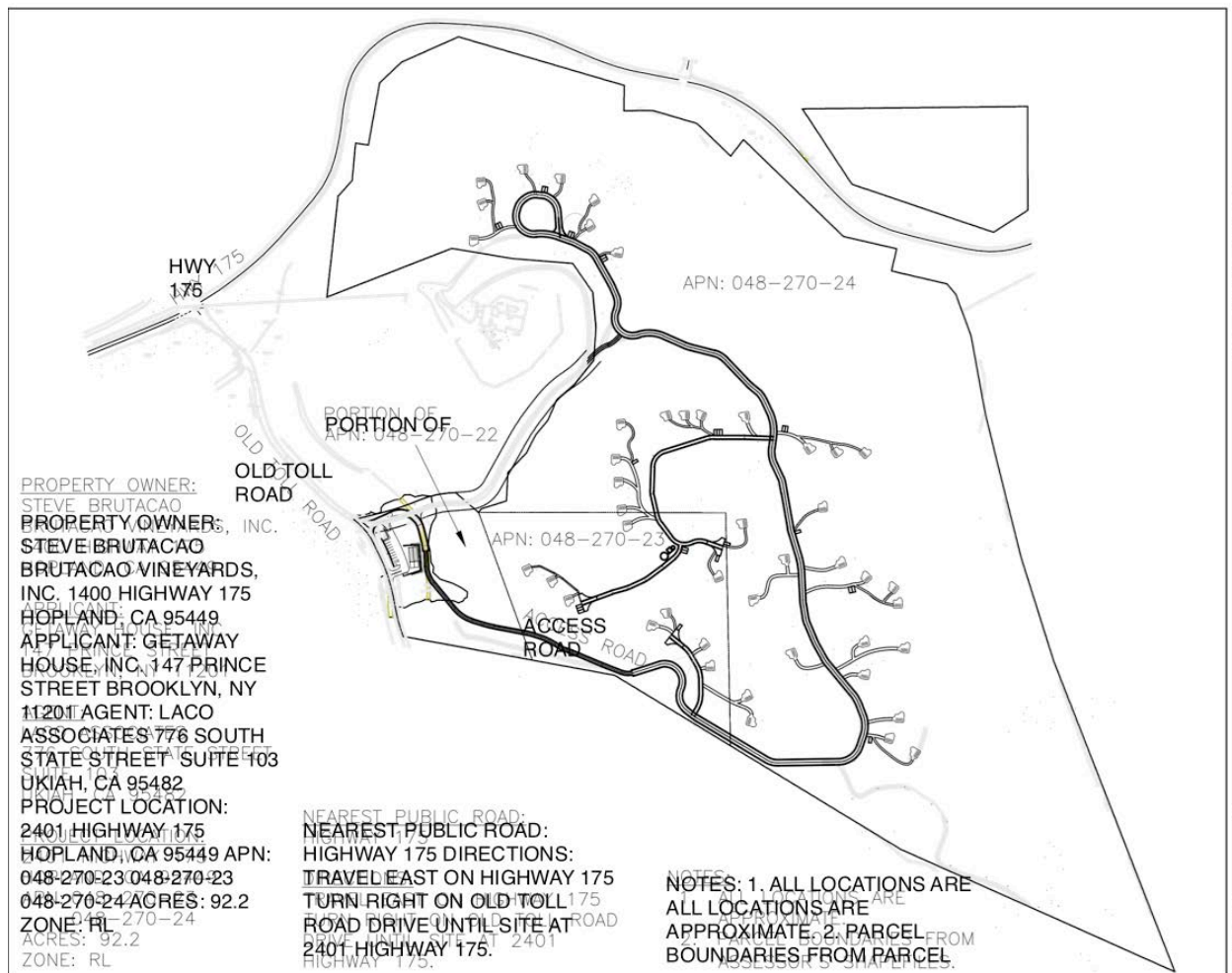
California Public Resources Code §21083.4 (2004, Senate Bill 1334) requires that when a county is determining the applicability of the California Environmental Quality Act (CEQA) to a project, it must determine whether that project "may result in a conversion of oak woodlands that will have a significant effect on the environment." If such effects (either individual impacts or cumulative) are identified, the law requires that they be mitigated for the removal of oaks that are not commercial species, which are five inches or more in diameter as measured at a point 4.5 feet (breast height) above natural grade level. Acceptable mitigation measures include, but are not limited to, conservation of other oak woodlands through the use of conservation easements and planting replacement trees, which must be maintained for seven years. The planting of replacement trees can only fulfill one-half of the mitigation requirements for the project.

California Fish and Game Code §1361, enacted with the passage of the Oak Woodland Conservation Act (2001, Assembly Bill 242), defines oak woodlands: "*Oak woodlands* means an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover."

Discussion: The Draft Initial Study does not adequately assess project impacts to the site's oak woodlands. Instead it simply lists oak species on the site and provides a figure of 5.49, which appears to be erroneous, as an estimate of the total area that will be disturbed:

...development is proposed, and limited to, areas covering approximately 6.05-percent of the 90.87-acre Site, or 5.49 acres. Within the 5.49 acres proposed for development, tree and vegetation removal will be primarily limited to the areas proposed for new road construction and road widening. The final locations of the micro-cabin RV pads and walking trails will have the flexibility to shift slightly, as needed during construction, to retain trees and vegetation that may be located within the footprint currently proposed for development.

Figure 2, Preliminary Site Design, reproduced below, shows the areas of proposed development (please note the irregularities in the figure below, which make it very difficult to read, are directly from the environmental documentation).



Comparing that map (as well as the map in Appendix B) and the Subject Parcel(s) map, it appears that the figure of 5.49 acres of impact is incorrect, as is the estimate of 6.05 percent. While it may be correct that road construction and widening activities will remove approximately 6.05 percent of the site's natural area, the preliminary site design map shows a much larger area that is fragmented.

The proposed project also runs counter to County of Mendocino General Plan **Resource Management Goal 5 (Ecosystems): Prevent fragmentation and loss of the county's oak**

woodlands, forests, and wildlands and preserve their economic and ecological values and benefits. This inconsistency is not addressed in the Draft Initial Study.

Oak woodlands provide food and vital habitat for California's native species, including 2,000 plants, 5,000 insects and arachnids, 80 amphibians and reptiles, 160 birds, and 80 mammals—many of which are listed as threatened, endangered, or are species of special concern, at the state or federal level.¹ Davis et al. describe oaks as a “foundation species,” using Ellison et al.’s definition of such a species as “...one that ‘controls population and community dynamics and modulates ecosystem processes,’ whose loss ‘acutely and chronically impacts fluxes of energy and nutrients, hydrology, food webs, and biodiversity.’”²

Many of the endangered, threatened, and species of concern analyzed in the Draft Initial Study depend on oak woodland habitat. We agree with the comments submitted by California Native Plant Society Sanhedrin Chapter, California Department of Fish and Wildlife, and Adina Merenlender, PhD that the environmental analysis should be conducted in accordance with *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*.

As currently construed, the project should not be granted a Mitigated Negative Declaration.

MITIGATION PLAN

As discussed above, California Public Resources Code §21083.4 requires that oak impacts be assessed and mitigated. The County of Mendocino General Plan (page 4-38) provides additional clarity on the need to mitigate impacts to oaks:

Action Item **Resource Management-28.1** The county shall develop CEQA standards that require disclosure of impacts to all sensitive biotic communities during review of discretionary projects. These standards shall require the following mitigation:

...**Oak Woodland** – Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity and wildlife habitat through the following measures:

- Comply with the Oak woodland Preservation Act regarding oak woodland preservation to conserve the integrity and diversity of oak woodlands, and retain, to the maximum extent feasible, existing oak woodland and chaparral communities and other significant vegetation as part of residential, commercial, and industrial approvals.
- Provide appropriate replacement of lost oak woodlands or preservation at a 2:1 ratio for habitat loss.

Policy Resource Management- 85

- Conserve and replant oak woodlands and stands of native oaks in community areas and developments. Protect oak woodlands in other areas through limitations on density and clustering.

¹ Meadows, R. 2007. Oaks: Research and outreach to prevent oak woodland loss. *California Agriculture* 61(1): 7-10.

² Davis, F.W., D.D. Baldocchi, and C.M. Taylor. 2016. “Oak Woodlands,” chap. 25 in *Ecosystems of California*. Editors: H. Mooney and E. Zavaleta. University of California Press.

GREENHOUSE GAS IMPACTS OF TREE REMOVALS

Section VIII, *Greenhouse Gas Emissions*, of the Draft Initial Study does not analyze the greenhouse gas (GHG) impacts of tree removal, which is in violation of California law. CEQA's sole GHG focus is "the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions." Net present value of GHG emissions forms the foundation of the state's greenhouse reduction objectives, as well as the California Forest Protocol preservation standards. Every ton of carbon dioxide (CO₂) released into the atmosphere by oak woodland or forest conversion represents a measurable potential adverse environmental effect, which is covered by CEQA. Thus California requires the analysis and mitigation of greenhouse gas emissions associated with proposed oak woodland or forest conversions.

Project mitigation that is based on the preservation ("avoided conversion") of existing natural lands does not adequately mitigate GHG emissions of natural lands conversion. Existing trees, understory, and soil conserved by the mitigation, do not, suddenly, upon the protections afforded by their conservation sequester more carbon to mitigate impacted biomass GHG emission effects of the conversion. Newly planted trees take many years to sequester carbon in the soil, understory, and woody mass of the trees.

TRIBAL CULTURAL RESOURCES

Page 27 of the Draft Initial Study states (underline is used for emphasis):

ALTA contacted the Native American Heritage Commission (NAHC) on August 8, 2019, to request a Sacred Lands File (SLF) search and list of Native American contacts in the area. The NAHC response letter, dated August 29, 2019, indicated that a search of the SLF returned a positive result, and included a list of 13 Native American tribes or individuals with cultural affiliations to the area. ALTA sent consultation letters to all 13 contacts on September 6, 2019. Two (2) responses were received. On September 12, the Tribal Historical Preservation Officer (THPO) for the Hopland Band of Pomo Indians requested to be consulted for the project. On September 18, the THPO for the Kaisha Band of Pomo Indians responded and informed ALTA that the project is outside of the Tribe's aboriginal territory. As of the date of this Initial Study, no additional correspondence has been received (ALTA, 2019).

Although the project, as currently designed, is not anticipated to have an adverse effect on cultural resources, ALTA included three (3) recommendations in the Archaeological Report in order to ensure cultural resources are not adversely impacted by the project, including the recommendation for further consultation with the Hopland Band of Pomo Indians, as requested by the Tribe, and protocol should cultural resources or human remains be inadvertently discovered, similar to the County's "Discovery Clause". A standard condition advising the Applicant of the County's "Discovery Clause" is recommended, which establishes procedures to follow in the event that archaeological or cultural resources or human remains are unearthed during project construction, including but not limited to Site preparation and excavation, in accordance with Mendocino County Code Sections 22.12.090 and 22.12.100.

Discussion: It is understood that it is important to maintain the confidentiality of the details of the tribal cultural resources analysis for the project. That said, it is concerning that the Mitigation and Monitoring Program has no provisions for potential project impacts to Tribal Cultural Resources of a site that is listed with the Native Heritage Commission as Sacred Land. It is also troubling, given the Sacred Land designation, that follow-up was not required after only two responses were received to the 13 consultation letters sent.

CONCLUDING THOUGHTS

The perfunctory manner in which the proposed project's oak impacts were analyzed is inadequate for the protection of California's primary old growth resource and the cultural, habitat, and GHG functions oaks provide. Thank you for your consideration of our comments. We welcome your inquiry should additional input be helpful.

Sincerely,



Janet Cobb
Executive Officer
California Wildlife Foundation



Angela Moskow
Manager, California Oaks Coalition

cc: Kate Marianchild, Author, Activist, and Naturalist
Jennifer Riddell, Co-President, Sanhedrin Chapter CNPS Board



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Northern Region
 601 Locust Street
 Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 7, 2020

Governor's Office of Planning & Research

MAY 08 2020

STATE CLEARINGHOUSE

Jesse Davis, Senior Planner
 County of Mendocino
 Planning and Building Services
 860 North Bush Street
 Ukiah, CA 95482

**Subject: Brutacao Vineyards' Gateway House, State Clearinghouse
 Number 2020040111**

Dear Jesse Davis:

On April 8, 2020, the California Department of Fish and Wildlife (CDFW) received a Notice of Completion for a draft Initial Study (IS) from the County of Mendocino (Lead Agency) for the Brutacao Vineyards' Gateway House (Project), Mendocino County, California. CDFW understands that the Lead Agency will accept comments on the Project through May 11, 2020. CDFW staff conducted a site visit on November 11, 2019 and provided comments to the Lead Agency on the Project on March 4, 2020. As a Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary to sustain their populations. As a Responsible Agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as a Trustee and Responsible Agency under the California Environmental Quality Act (CEQA), California Public Resource Code section 21000 et seq. These comments are intended to assist the Lead Agency in making informed decisions prior to the development of the Project's Mitigated Negative Declaration (MND).

CDFW's primary concern is that the draft IS does not include sufficient detail for the MND to analyze the Project's potential impacts to:

- rare plant populations and Sensitive Natural Communities (SNC)
- oak woodlands,
- wildlife Species of Special Concern and their habitat,
- an established wildlife movement corridor, and
- wetlands and riparian areas

Project Description

The Project site is located approximately 3.1 miles east of Hopland south of Highway 175 and east of Old Toll Road in Mendocino County. The Project site is undeveloped rangeland dominated by grasslands and oak woodlands and is bordered by agricultural land including vineyards. The Project proposes development of a recreational facility with a two-story lodge

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and up to 45 semi-permanent micro-cabins placed on the ridges across 90.87-acre site (APNs 048-270-24, 048-270-23, and a portion of 048-270-22). The cabins will sit on pads that include an outdoor picnic area and fire pit; most will have adjacent parking areas, but some will be designated as 'walk-in' with parking located away from the cabin. Each cabin will have water, wastewater disposal, and electric provided by underground utilities. Development will include installation of a well, septic system, and underground utilities, in addition to construction of walking trails, access roads to the cabins, a lodge parking area with secondary site ingress/egress, and widening of an existing road to access the site from Old Toll Road. The yearly average occupancy rate is expected to be 85 percent with the maximum capacity of 110 guests.

Survey Data

A habitat assessment and surveys for rare plants, natural communities, and wildlife species have not yet been conducted and a wetland delineation have not yet been completed. The Project's preliminary biological report states, "*seasonally-appropriate biological surveys and wetland delineation will be completed prior to implementation of the project.*" Because the baseline of environmental setting is uncertain, CDFW, other agencies, and the public do not have a basis from which to assess the potential impacts to biological resources or the significance of these potential impacts. Conducting surveys just before ground disturbance and after the CEQA process is completed does not comport with a substantial mandate of CEQA to disclose a Project's potentially significant impacts and to provide feasible and effective mitigations, as needed. Surveys should be comprehensive over the entire Project site, including areas that will be directly or indirectly impacted by the project.

The MND should be informed by survey results and a habitat assessment to adequately analyze the Project's potential impacts to biological resources. The MND should include effective mitigation to reduce potential impacts to less than significant (**Recommendation 1**).

Rare Plants and Sensitive Natural Communities

The IS does not include sufficient information to determine potential impacts or their significance to rare plant populations or SNCs.

A survey of the Project site was conducted in November 2019 and no rare plant populations were identified. The preliminary biological report indicates at least five rare plant species have the potential to be present on-site. The draft Mitigation and Monitoring Plan (MMP) includes mitigation measure BIO-1, which states "*if special status plant populations are observed and cannot be avoided, consultation with CDFW will be initiated to relocate the plants*" but does not propose compensatory mitigation or performance standards if impacts to the plant populations occur.

Without the results of rare plant surveys, CDFW, the public, and the Lead Agency cannot determine what sensitive plants occur on the project site or to what degree impacts to them will be significant. The proposed mitigation of relocating rare plants if they cannot be avoided, has been demonstrated to have a low likelihood of success. An extensive analysis of the success of rare plant relocation projects, showed that of 53 rare plant transplantation, relocation, or reintroduction attempts reviewed, only 15 percent (eight projects) were considered fully successful (Fiedler 1991). For this reason and given the absence of performance standards and relocation details, CDFW finds the Project's proposed mitigation of relocating rare plants would have an extremely low likelihood of reducing impacts to a less than significant level.

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Additionally, the IS does not identify SNCs on-site but describes several plant species that are diagnostic for at least two SNCs including Valley Oak (*Quercus lobata*) Forest and Woodland and Madrone (*Arbutus menziesii*) Forest with a State ranks of S3 (imperiled). Natural communities with State Ranks of S1-S3 are SNCs and should be addressed in the environmental review processes of CEQA. Valley oak woodland is a SNC with a State rank of S3. Coast live oak woodlands have a number of associations with State ranks of S3, but the IS does not describe natural communities in sufficient detail to determine, which, if any of the oak natural community associations are present on-site or if they may be sensitive.

Lastly, the preliminary biological report described the site as having “*non-native grasslands*” but this report does not describe the dominant plant species comprising the grassland, thus, CDFW cannot determine to what degree the grassland is comprised of native plant species, and thus would be considered a semi-natural plant community. Several native grassland alliances may have a substantial non-native plant component, yet meet the criteria for being SNCs (see <https://wildlife.ca.gov/data/vegcamp/natural-communities#grasslands>).

CDFW recommends surveys for rare plants and SNCs be conducted according to *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. These survey results should be used to analyze potential impacts in the MND; the MND should propose mitigation including performance criteria to reduce any impacts to less than significant (**Recommendation 2**).

Oaks and Oak Woodlands

The IS does not include sufficient information to determine potential impacts to oak woodlands. Pursuant to CEQA section 21083.4(b), “...a county shall determine whether a project with its jurisdiction may result in the conversion of oak woodlands that will have a significant effect on the environment.” The IS describes the Project site as forested with blue oak woodlands and identifies blue oak (*Quercus douglasii*), interior live oak (*Q. wislizeni*), valley oak (*Q. lobata*) and California black oak (*Q. kelloggii*) but does not describe the location, extent of these species on-site, or discuss potential impacts to oak woodlands. The IS states tree and vegetation removal will be restricted to “*the footprints of the micro-cabin RV pads, access roads/trails, lodge facility and parking area, and as required by CalFire for fire suppression.*” Even with restricted trimming and removal, a substantial removal of oak woodlands could result in a significant impact.

Regardless of their natural community status, oak woodlands are extremely valuable wildlife habitat. In California, oak woodlands have the greatest wildlife species richness of any other habitat in the state with over 330 species of amphibians, birds, and mammals relying upon these habitats at some point during their lives (CalPIF 2002). Oak woodlands have experienced ongoing declines due to conversion for agricultural uses, and oak woodlands are also impacted by low recruitment, novel pathogens, competition from invasive species, and fire suppression (Whipple et al. 2011). California has lost approximately 1/3 of its of historic oak woodland habitat statewide (CalPIF 2002). Because oaks are slow-growing trees, the substantial habitat and ecosystem value that mature trees provide is difficult to replace.

The MND should disclose the number, species, and size of oak trees and that cannot be avoided and quantify the loss, degradation, and fragmentation of oak woodlands and propose effective mitigations, if this impact is determined to be significant. This analysis should presume that vegetation will be substantially cleared, and trees removed within 100 feet of all structures, pursuant to current fire-safe buffer standards. In addition, the MND should include a requirement for an Oak MMP to be developed and mitigation should include performance

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standards and protection in perpetuity. To the extent feasible, mitigation should be on-site to recreate and eventually re-establish the oak woodland habitat lost by the Project's implementation.

To reduce the significance of impact to oak woodlands, CDFW recommends the following mitigation ratios:

- <1" dbh replaced at a minimum 1:1 mitigation ratio
- 1-11" dbh replaced at a minimum 6:1 mitigation ratio
- 12-18" dbh replaced at a minimum 8:1 mitigation ratio
- 18" dbh replaced at a minimum 10:1 mitigation ratio

These ratios are consistent with prior CDFW recommendations for projects with oak woodland impacts and may be modified upon further consultation with CDFW (**Recommendation 3**).

Wildlife Species of Special Concern

The IS does not describe the location or extent of suitable habitat for Species of Special Concern and does not include sufficient information to determine potential the direct or indirect impacts to these species or their habitats.

The preliminary biological report identified the potential for seven Species of Concern to be on-site but concludes the site has "*limited*" or "*few suitable*" habitat locations. The report does not include supporting information such as a habitat assessment or surveys beyond the statement "*only ruderal grassland, Class III drainage, and blue oak woodland habitats were found to be present on-site, eliminating many of the sensitive species specific to other types of habitats.*" As discussed above, oak woodlands are extremely valuable habitat to wildlife species.

The IS states, "*tree and vegetation removal will be minimized to the greatest extent feasible in order to protect the forested nature of the Site, which provide suitable habitat for candidate, sensitive, or special status species,*" but does not indicate which species these may be. The draft MMP's provides protocols to mitigate impacts associated with tree trimming and removal by avoiding active bird nests during breeding season but the loss of oak woodland habitat for other wildlife species is not considered.

Surveys should be conducted to develop a biological assessment that describes the location and extent of on-site habitat and the presence of Species of Special Concern including bird species that are year-round residents and that were observed on-site during the November 2019 survey. These species are oak titmouse (*Baeolophus inornatus*), wrentit (*Chamaea fasciata*), and Nuttall's woodpecker (*Picoides nuttallii*) and all have the potential to nest onsite. This information should be used to analyze potential impacts in the MND. If avoidance and minimization is not feasible, effective mitigation should be proposed to reduce impacts to less than significant.

Wildlife Corridors

The IS does not provide adequate information to determine the Project will not interfere substantially with the movement of any native resident or migratory wildlife corridor. The Project site is within a North-South habitat connectivity linkage identified in the California Essential Habitat Connectivity Project (Spencer et al. 2010). The "*uncultivated*" lands of McDowell Valley (the area traced by Old Toll Road and Younce Road south of Highway 175) is an important low

Jesse Davis, Senior Planner
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elevation corridor connecting both sides of the Russian River valley (J. Brashares, personal communication, May 3, 2020). The Project site is also identified as core habitat for many large mammal species in the Northern Mayacamas – Coast Range linkage (Penrod et al. 2013). The Project site is part of an important wildlife corridor connecting large tracks of wildlands and because its undeveloped parcels provide quality wildlife habitat in comparison to the more intensively managed agricultural lands that border the Project site to the north and south.

While the Project proposes to permanently impact less than seven acres across the 90.87-acre site, the permanent installation of micro-cabins, access roads, and sustained human presence has a high potential to impact wildlife movement through this established corridor.

The MND should include mitigation measures to maintain wildlife movement through this established wildlife corridor including the installation of down-cast lighting to reduce light pollution, incorporating wildlife-friendly fencing designs, and solid waste storage practices to reduce human-wildlife interactions. The Project should develop avoidance and minimization measures including reducing the Project's footprint by clustering the locations of the micro-cabins, reducing the amount of new access roads, and reducing the distance between the micro-cabins (**Recommendation 4**).

Wetlands and Riparian Areas

The IS does not include sufficient information including the location or extent of on-site wetland and riparian habitat to determine potential impacts to on-site wetland and riparian areas. Several ephemeral drainages pass through the Project site and during the November 14, 2019 site visit, CDFW staff noted the presence of riparian vegetation including live oak and California buckeye at these dry sites.

The MND should be informed by a wetland delineation and disclose the potential direct and indirect impacts to riparian vegetation that may occur. If potential impacts are identified, the MND should propose effective mitigation and include performance standards. Mitigation ratios of greater than 1:1 should be included to achieve a no-net-loss of wetlands or riparian habitat and should establish a minimum disturbance buffer of 100 feet from these resources (**Recommendation 5**).

Summary of Recommendations

CDFW has several recommendations for the Lead Agency to identify potentially significant impacts and ensure these impacts are reduced to less than significant by proposing effective mitigation in the MND.

1. The Project's MND should be informed by survey results and a habitat assessment to adequately analyze the Project's potential impacts to biological resources including rare plants SNCs, and wildlife Species of Special Concern. The MND should include effective mitigation to reduce potential impacts to less than significant.
2. Surveys for rare plants and SNCs should be conducted according to *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*.
3. The MND should quantify the loss, degradation, and fragmentation of oak woodlands and if significant, propose effective mitigation including the development of an Oak MMP.


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4. The MND should include mitigation measures to maintain wildlife movement through this established wildlife corridor and reduce human-wildlife interaction.
5. CDFW recommends the MND analyze the potential impacts to aquatic and riparian habitats, and if these impacts are determined to be significant, propose effective mitigations that include performance standards.

These changes are necessary for CDFW to determine that the Project will have a less than significant impact on biological resources.

Thank you for the opportunity to comment on this draft IS. CDFW staff are available to meet with you to consult with or address the contents of this letter in greater depth. If you have questions on this matter or would like to discuss these recommendations, please contact Senior Environmental Scientist Specialist Jennifer Garrison at (707) 477-7792 or by e-mail at Jennifer.Garrison@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Curt Babcock
Habitat Conservation Program Manager

References: Page 7

cc: Jesse Davis
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References

- CalPIF (California Partners in Flight). 2002. The oak woodland bird conservation plan: a strategy for protecting and managing oak woodland habitats and associated birds in California. Version 2.0 (S. Zack, lead author). Point Reyes Bird Observatory, Stinson Beach, CA. <http://www.prbo.org/calpif/plans.html>.
- Fiedler, P.L. 1991. Final Report, Mitigation-related transplantation, relocation, and reintroduction projects involving endangered and threatened, and rare plant species in California. Submitted to the California Department of Fish and Game, Endangered Plant Program. Sacramento, CA.
- Penrod, K., P. E. Garding, C. Paulman, P. Beier, S. Weiss, N. Schaefer, R. Branciforte and K. Gaffney. 2013. Critical Linkages: Bay Area & Beyond. Produced by Science & Collaboration for Connected Wildlands, Fair Oaks, CA www.scwildlands.org in collaboration with the Bay Area Open Space Council's Conservation Lands Network www.BayAreaLands.org.
- Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Strittholt, M. Parisi, and A. Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration.
- Whipple A.A., Grossinger R.M., and Davis F.W. 2011. Shifting baselines in a California oak savanna: nineteenth century data to inform restoration scenarios. *Restoration Ecology* 19 (101):88-101.

Mendocino County Planning Department
Mendocino County Planning Commission
Mr. Jesse Davis, Senior Planner
860 N. Bush Street Ukiah, CA 95482

May 8, 2020

Mr. Davis,

I am writing on behalf of my family, Tony & Nancy, and our sons Walker and Duncan. We live at 13800 Old Toll Road, Hopland CA in the house we built in 1998. Our property is contiguous to the proposed Getaway resort project and we strongly believe our way of life will be directly and negatively impacted if this project is allowed to proceed.

Getaway Homes is functionally a hotel resort operator developing projects in a way to avoid the zoning and building codes typically required, for good reason, for hotels & resorts. The cabins are on wheels only for delivery and to avoid the normal permitting process. Five of the forty-five proposed cabin sites on the ninety-acre parcel are within 200 yards of my home. That does not seem appropriate for zoned Rangeland with 160-acre minimums.

The Old Toll Road is a very rural road with a one lane bridge adjacent to Highway 175 just outside of Hopland. The road surface has some paving but is mostly evolved from chip seal resurfacing with the base rock exposed in many areas. The county does a respectable job filling potholes and repairing the bridge, but maintenance resources scarce and spread across a very large county.

The Getaway project proposes 45 transient residences plus caretakers and maintenance staff. This will add potentially 100 or more trips per day to this old road and bridge. The residents that currently live on this narrow road drive slowly and practice etiquette when passing, especially when approaching and crossing the bridge. The additional traffic will quickly degrade the road surface and stress the bridge beyond loads it was designed for, requiring increased maintenance and earlier replacement.

This area of the county is an extreme wildfire risk area and this parcel along with everything east of the Old Toll Road was evacuated in 2018 for a week due to fires on the adjacent ridge. Getaway specifically caters to urban clientele unused to the constant vigilance required to prevent wildfires here. Smoking, firepits, cars arriving with hot exhaust from long trips are all threats to our lives and property. Many cities allow fireworks in July and the likelihood is there that one of the hundreds of guests that week will decide bring fireworks on their 'camping' trip.

PG&E implemented PSPS twice in this area last year and left us without power for weeks requiring generators for lights, refrigeration and to pumping water and sewage. The inexperienced visitor caught

in a power outage may resort to candles and cook fires, greatly increasing the chance of starting a fire. The power shut offs are likely to continue for the next five to ten years.

It doesn't take any imagination to envision a wind driven fire started by a careless smoker racing up the steep hillsides to engulf these forty-five cabins in minutes. It happened several times in the last two years in northern California, killing many and causing terrible damage to lives and property. This project concentrates urban travelers in a steep fire-prone hillside site with restricted egress and is not appropriate for California oak grassland in an era of changing climate, increasing heat and reduced rainfall.

The projected water demand estimate of 4,000 gallons per day for the whole site is a fairytale at best and unscrupulous at worst. 100 people washing, bathing, cleaning and going to the bathroom will use far more than 40 gallons each. The caretakers house will use at least 1,000 gallons per day and the laundry plant will use the same.

The project proposes to drill a new water well adjacent to three existing wells over half a mile from the project. This should not be allowed for a project of this scale. Water resources are finite in this valley and the vineyards planted here for the last fifty years depend on this small aquifer to grow high quality grapes for the local economy. Pumping from any of the existing well currently affects the others. Concentrating another well at this location will lower the water table for all and require existing pumps to be reset lower at great cost.

If the project site cannot support the proposed use within the parcel boundaries, then it should not be allowed to proceed.

Thank you for the opportunity to comment on this project. I urge you and your colleagues to find the proposed Getaway House project inappropriate for this location and these changing times, and deny the application.

Tony Stephen & Nancy Walker

13800 Old Toll Road

Hopland, CA 95449

tonytrustwine@gmail.com

(707) 688-3628

Jesse Davis - Comments: major use permit application # U_2020-0002 by Brutocao Vineyards & Getaway House

From: "B. Gamble" <brook.gamble@gmail.com>
To: <davisj@mendocinocounty.org>
Date: 5/11/2020 5:53 PM
Subject: Comments: major use permit application # U_2020-0002 by Brutocao Vineyards & Getaway House

Dear Jesse Davis and the Mendocino County Department of Planning & Building Services,

I am writing to express my dismay at major use permit application # U_2020-0002 by Brutocao Vineyards & Getaway House, which has continued to declare a "Mitigated Negative Declaration" despite considerable evidence presented by multiple organizations, agencies, and stakeholders to the contrary.

I am confused how a project of this scope *could even be considered* for land zoned rangeland? The footprint, road system, and considerable resources (namely water, which is a scare resource in this area) required to support 45 cabins, 51 parking spaces, and a lodge on 92 acres in this area would severely degrade the surrounding ecosystem and create undue fire risk. This is urban planning at its worst. A development of this scope would be more appropriate closer to town, where the human footprint has already impacted the land. This is simply a development by a huge outside interest that will degrade the watershed, surrounding ecosystem, fragment the rangeland and put the community at more risk of fire than already exists.

I have questions about the legitimacy botanical survey: it seems limited in scope, and the duration in this location should be at least a full a year, to my understanding. Only one site visit was conducted and it was out of season. I don't believe this even begins to meet the needs of the scope of the project. A multi-site visit is appropriate, including during the blooming period of ~March-June, even if this delays the application. The LACO report reiterates this recommendation due to known sensitive plant species in the area. They also recommend a formal wetland delineation be completed at the site during a seasonally-appropriate time of year to fully characterize the Site. Furthermore, I have questions about how many oak trees will be taken- this site has many and that number is not quantified, but should be considered. *Quercus douglasii*, *Q. lobata*, and *Q. wislizeni* are specified as trees that will be taken. The canopy cover in this area is significant. Why is this detail left out? According to the LACO report, sensitive bird species nest in the area and this is a critical detail.

Furthermore, our understanding of best practices around fire wise building and defensible space have evolved, given the unprecedented fire seasons we have been experiencing. An estimate of trees, canopy and other vegetation removal needs to be detailed and accurate. Visitors and their vehicles may not be as careful about fire safe practices and this density of dwellings pose a considerable risk of overwhelming our small fire district. This proposal needs to be thoroughly vetted with those risks and Hopland's response capacity in mind.

The water use estimates in this proposal are sketchy at best. The project estimates pumping groundwater at 5000 gallons a day from a private well. Estimates vary, but, on average, each person uses about 80-100 gallons of water per day, for indoor home uses according to the US Geological Survey. 45 double occupancy units would pump an average of 9,990 gallons of water per day, according to the USGS calculation. That doesn't include the lodge or any landscaping needs. Even at single occupancy rates, the water use would nearly exceed the permit. The County has just begun to understand local groundwater research and grasp what long-term impacts drought can have on recharge and fish species including salmonids. This project in the Sanel Valley Groundwater District warrants more scrutiny. There are multiple state and federally sensitive fish species in this watershed that could be affected by a non agricultural (and non essential) development at this site. As we head into yet another year of record low rainfall, the lack of detailed water estimates and potential impacts to the watershed, taking drought and a changing climate in mind, are irresponsible.

Last, I remind you of the Sec. 20.060.005, rangeland intent in the Mendocino County code: "This district is intended to create and preserve areas for, (A) the grazing of livestock, (B) the production and harvest of natural resources, and (C) the protection of such natural resources as watershed lands from fire, pollution, erosion, and other detrimental effects. Processing of products produced on the premises would be permitted as would certain commercial activities associated with crop and animal raising. Typically the R-L District would be applied to lands for incorporation into Type II Agricultural Preserves, other lands generally in range use, and intermixed smaller parcels and other contiguous lands the inclusion of which is necessary for the protection and efficient management of rangelands." This development clearly doesn't fit the bill for rangeland *preservation*. A development of this density and size would prohibit land from being used as rangeland in the future. A re-zone would be a likely outcome in a county where rangeland is a precious and essential resource.

Given the lack of detail provided in the initial proposal and the scale of this project and the many impacts it could have, I recommend denial of this project, as there are no mitigations that I feel would keep this project in line with the current zoning and environmental stewardship.

Thank you for your consideration for the preservation of rangeland for this special place. Please keep me apprised of future opportunities for input regarding this matter.

Jennifer Brook Gamble
PO Box 930
Hopland, CA, 95449

May 11, 2020

Via Email (davisj@mendocinocounty.org and pbs@mendocinocounty.org)

Mendocino County Planning Commission
860 N. Bush St.
Ukiah, CA 95482

Re: Initial Study and Mitigated Negative Declaration for Getaway House, Inc. Major Use Permit at Assessor's Parcel Numbers 048-270-22, 23 & 24

Dear Commissioners,

We are submitting this letter on behalf of Middleridge Vineyard and M/R Vineyard, which are located adjacent to the proposed Getaway House, Inc. project that is the subject of the above-referenced application (the "Project"). We have reviewed the Initial Study and Negative Declaration (IS/MND) for the Project, which the County prepared in order to comply with the California Environmental Quality Act (CEQA), Pub. Resources Code §2100 et seq., and the regulations implementing CEQA, California Code of Regulations, Title 14 §15000 et seq ("Guidelines"). In short, the Project is inconsistent with applicable zoning, is not suitable for the proposed location, and presents significant risks to the local environment, particularly with regard to biological resources and wildfire risk. The IS/MND does not adequately address or mitigate for those impacts, and therefore does not comply with the requirements of CEQA.

I. Project Overview

The Project involves a Major Use Permit for a recreational vehicle (RV) facility featuring 45 recreational vehicles, called "micro-cabins." Although these micro-cabins are considered vehicles, they are to be moved only for repairs or upgrades. The micro-cabins contain bathrooms, kitchenettes, and water, septic, and electric utility connections. Each micro-cabin includes an outdoor fire pit. The micro-cabins are designed to accommodate 2-4 people for short term stays. The Project also includes a 1,344 square-foot, two-story lodge facility to accommodate the residence for an on-site manager, an office, a storage area, a meeting room, and laundry facilities. A small parking lot will service the project in addition to new paved roads to connect the micro-cabins.

II. The IS/MND is Inadequate.

The IS/MND is inadequate under CEQA in a variety of respects. An Environmental Impact Report (EIR) is required for any project that “may have a significant effect on the environment.” (Public Resources Code §21080(c)(1).) It is abundantly clear that this Project will have potentially significant impacts on the environment; accordingly, an EIR must be prepared.

We received a response to our March 17, 2020 Public Records Act request on the day this comment letter was required to be submitted. As a result, we request additional time to comment on the Project so that our comment can be fully informed, and we reserve the right to submit additional comments based on the documents in that production.

A. The Project is Inconsistent with Applicable Zoning Plans and Policies.

The Project is inconsistent with the applicable zoning. The property is zoned range land. (IS, p. 47.) Under Mendocino County Code section 20.060.035 there is a maximum dwelling density of one (1) unit per one hundred sixty (160) acres. (Ord. No. 3639 (part), adopted 1987). The range land district is “intended to create and preserve areas for, (A) the grazing of livestock, (B) the production and harvest of natural resources, and (C) the protection of such natural resources as watershed lands from fire, pollution, erosion, and other detrimental effects.” (Mendocino County Code Sec. 20.060.005.)

This Project is inconsistent with both the letter and the spirit of the range land zoning designation. The Project proposes 45 dwelling units on 90.87-acres, well in excess of density limitations, but attempts to circumvent this requirement by calling the micro-cabins “vehicles.” But in fact, they function as dwelling units, including kitchens, bathrooms, and full amenities, and they will only be moved for maintenance. These are permanent dwelling units, and placement of roughly one unit per two acres is not permitted in this zone, which should be reserved for grazing, timber harvesting, and preservation. The Project also proposes a greater number of service connections than the number permitted by the County of Mendocino. (IS, p. 44.)

B. The IS/MND is Inadequate With Regard to Biological Resources.

The evaluation of biological resources is also inadequate. The IS/MND states that the Project will have potentially significant impacts on biological resources, but that these impacts will be rendered less-than-significant with mitigation incorporation of three mitigation measures. But the evidence and technical data is inadequate to support this conclusion.

The IS/MND improperly defers both studies needed to identify significant impacts (relying on studies to be conducted in the future) and formulation of mitigation measures. Where studies to assess impacts or mitigation measures are deferred, they must take specific measures so that the public and decisionmakers can understand what steps will be taken to mitigate impacts, and to

ensure the mitigation is effective. (See *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280 [mitigation measure providing for active habitat management did not describe anticipated management actions and did not include management guidelines or performance criteria]; *Communities for a Better Env't v. City of Richmond* (2010) 184 Cal.App.4th 70, 95 [rejecting mitigation measure that required project applicant to develop plan for reducing greenhouse gas emissions because it identified undefined and untested measures of unknown efficacy and did not contain any objective criteria for measuring success]; *San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal.App.4th 645, 669 [rejecting mitigation measure calling for future surveys for special status species and development of undefined habitat management plan in response to surveys]; *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794.)

A preliminary biological survey was prepared on January 30, 2020 to document species observed on site during an October 2019 site visit. According to the IS/MND, it was “prepared outside the recommended seasonally appropriate time period for suitable sensitive plant identification and sensitive nesting bird occurrence.” (IS, p. 4.) While the IS/MND requires that a seasonally appropriate biological survey and wetland delineation be completed prior to implementation of the Project, it is impossible to determine based on the information in the IS/MND what the actual biological impacts of the Project will be. (IS, p. 21.) In fact, this data-gathering should occur before the Project is presented to the Planning Commission for approval, and mitigation measure BIO-1 is inadequate. Mitigation measure BIO-3 is similarly inadequate.

The IS/MND also improperly conflates features incorporated in the project design to avoid or minimize environmental impacts with proposed mitigation measures. (See *Lotus v Department of Transp.* (2014) 223 Cal.App.4th 645, 656–658 and n8.). Any action that is designed to minimize, reduce, or avoid a significant environmental impact or to rectify or compensate for the impact qualifies as a mitigation measure. (Guidelines, §§15126(a)(1), 15370.) The IS/MND includes mitigation measures that are improperly labeled as “project features,” then relies upon these “project features” in order to reach the conclusion that the project will not have significant impacts. For instance, the Initial Study states that no development is proposed within 300 feet of McDowell Creek, however, this is not a binding mitigation measure. (IS, p. 21.) “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments.” (Guidelines, §15126.4(a)(1)(A).)

C. The IS/MND is Inadequate With Regard to Hazards/ Wildfire.

Wildfire risk is of utmost concern to the residents of Mendocino County. The Project may create a significant wildfire risk because it invites urban guests who may not appreciate the fire danger in this area to recreate and build campfires. Guests could potentially ignite fires by improper use of fire pits, improper disposal of cigarettes or other smoking devices, and use of off-road vehicles. The IS/MND acknowledges that the Project may have potentially significant impacts related to wildfire by exposing Project occupants to wildfire risk. (IS, p. 72.) But potentially significant impacts are not properly mitigated, and the mitigation measure adopted is inadequate.

Mitigation Measure HAZ-1 only requires signage informing campers that campfires are only permitted within the installed fire pits, but there is no evidence that signage alone will be effective to mitigate wildfire risk, the proposed sign makes no mention of the hazards of smoking, and there is no provision of an enforcement mechanism. (IS, p. 40.) Similarly, while the IS/MND states that fire pits can be locked during burn bans, this is not enforceable as mitigation. (IS, p. 39.) CalFire has conditioned approval of the Project on providing a minimum of 100' defensible space from each side and front and rear of every structure, but the IS/MND should include maintenance of the defensible space as a mitigation measure, and should specify how that requirement will be enforced.

Furthermore, the IS/MND does not demonstrate that adequate water is available for firefighting. While Brutocao Vineyards has granted the Applicant rights to pump up to 5,000 gallons a day, the IS/MND does not evaluate whether 5,000 gallons of groundwater are actually available at all times, nor whether that amount will be sufficient in the case of a fire. In fact, CalFire Conditions of Approval require 5,000-gallons minimum dedicated to emergency water storage.

D. The IS/MND is Inadequate as to Water and Water Quality.

The IS/MND estimates that the project will require roughly 4,000 gallons of water per day to serve the 45 units and lodge; this amount would seem to be patently inadequate for the proposed development. (IS, p. 42.) The IS/MND must be revised to demonstrate an adequate water supply and to analyze both the environmental impacts of obtaining that water and any adverse impacts on existing area properties. *See Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412. Furthermore, the IS/MND does not adequately address how this development—through erosion, siltation, and introduction of pollutants—may affect the quality of the area water supply, which is critical to ongoing agricultural operations.

E. The IS/MND is Inadequate as to Cultural and Tribal Cultural Resources.

The IS/MND concludes that the Project “as currently designed” is not anticipated to have an adverse effect on cultural resources. (IS, p. 27.) However, the conclusion of no significant impact relies on the Discovery Clause contained in the County Code. Under section 22.12.090 of the Mendocino County Code, if an archeological site is discovered, the following procedures must be taken:

- (1) Cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery;
- (2) Make notification of the discovery to the Director of Planning and Building Services;
- (3) If deemed necessary by the Director of Planning and Building Services, arrange for staking completely around the area of discovery by visible stakes no more than ten (10) feet apart, forming a circle having a radius of no less than one hundred (100) feet from the point of discovery; provided, however, that such staking need not take place on

adjoining property whose owner or person in possession does not authorize such staking thereon, in which case the boundary line within such circle shall be staked;

(4) Grant any duly authorized representative of the Director of Planning and Building Services permission to enter onto the lands of the discovery which are under the jurisdiction of the person making the discovery and to take all actions consistent with this Chapter and otherwise permitted by law.

Compliance with this code provision is not adequate to mitigate potentially significant impacts with regard to cultural and tribal cultural resources. (IS, p. 27, 65.) Furthermore, it is unclear what the scope of those potential impacts may be.

Moreover, it is unclear whether the County has complied with AB 52 with regard to tribal cultural resources. Where a Tribe requests AB 52 consultation, the Guidelines require the lead agency to begin the consultation process within 30 days of receiving the request and prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report. (Pub. Resources Code § 21080.3.1, subds. (b) & (e)). The Hopland Band of Pomo Indians requested to be consulted for the Project (IS, p. 1-2, 27), but the IS/MND has no further mention of consultation with the Hopland Band of Pomo Indians.

F. The IS/MND is Inadequate as to Noise Impacts.

The conclusion that the Project has no noise impacts relies on standard permit conditions limiting construction hours within 500 feet of residential uses to the hours of 7:00 a.m. and 7:00 p.m. weekdays, using quiet models of air compressors and other stationary noise sources where technology exists, use of mufflers on all internal combustion engine-driven equipment, and locating staging areas as far away as possible from noise-sensitive land use areas.” (IS, p. 52.) These should be adopted as enforceable mitigation measures and conditions of approval.

In addition, the Initial Study evaluates only construction noise, ignoring operational noise impacts. For example, it does not evaluate whether guests will be allowed to bring speakers and play amplified music, which creates the potential for significant noise impacts.

G. The IS/MND Does Not Even Attempt to Disclose Impacts to Traffic.

Finally, the IS/MND does not use any threshold of significance for evaluating traffic, and therefore fails to disclose traffic impacts, as CEQA requires. The County should prepare an EIR evaluating the Project’s traffic impacts under a Vehicle Miles Traveled standard, as required by SB 743 and the Guidelines. The IS/MND largely ignores the significant impacts to local roads—which have extremely limited capacity—by the addition of substantial new traffic. For example, the bridge on Old Toll Road is narrow and is not designed to handle anything other than intermittent traffic; the IS/MND does not adequately demonstrate how these rural roads will be improved to accommodate the Project, which will generate far more traffic than surrounding, less-dense uses.

III. Conclusion

Based on the foregoing, we recommend that the Planning Commission deny the Major Use Permit and direct the planning staff to prepare an EIR for the Project. Thank you for the opportunity to provide comments, and we look forward to the County's response.

Very truly yours,

Downey Brand LLP



Kathryn L. Oehlschlager

Mendocino County

MAY 13 2020

Mendocino County Planning Department
Mendocino County Planning Commission
Jesse Davis, Senior Planner
860 N. Bush Street
Ukiah, Ca 95482

Planning & Building Services

3-20-20

Dear Honorable Commissioners & Planners:

The undersigned are Hopland and Ukiah Valley residents opposed to the Getaway House project being considered by the Mendocino County Planning Department. The proposed project is located 3.1 miles east of Hopland off of State Highway 175 on the east side of Old Toll Road, immediately south of its intersection with Highway 175.

The Getaway proposal involves a Major Use Permit to enable development of a lodge and 45 micro recreational cabins on wheels to be utilized for transient habitation. The 92-acre project is located on oak grassland and involves a small amount of terrain with moderate slope with the bulk of the land exhibiting steep slopes. It is zoned as Rangeland – minimum 160 acres.

Our main concerns and objections center around 6 aspects of the proposed project.

- 1) **Suitability for the Location:** The proposed Getaway project lies in the middle of an attractive agricultural area devoted to cultivation of premium wine grapes and quality range land. The proposed glorified trailer park, in an area zoned for rangeland with a 160-acre minimum, is completely out of context with the very long term, historical, agricultural use of the surrounding area.
- 2) **Wildfire risk:** The Getaway proposal assumes an average occupancy of 85% and an average stay of 1.5 nights. If one assumes the project involves five 4-person units and forty 2-person units, the total capacity of the development would be 100 individuals per night. Given the 85% occupancy and 1.5-night average stay, this would result in an annual guest count of over 20,000 individuals, less any repeat customers.

These individuals as described by Getaway would be sourced mainly from urban areas. For the most part these urban people would arrive completely unaware of the extreme fire risk inherent in the area as evidenced by the recent catastrophic wild fires in the Mendocino/Sonoma/Lake counties that resulted in terrible personal and economic loss to not only to homes, other structures, habitat and vineyards, but made thousands of tons of grapes grown throughout the area unsalable because of smoke taint. The subject property was on the southern boundary of the recent 2018 Hopland fire. Only favorable wind prevented the spread further south.

No amount of Project pamphlets or introductory talks by the development manager will effectively reduce this risk.

To exacerbate this risk each unit is equipped with a fire pit. Even if these pits can be locked during “high fire risk days”, there are plenty of days other than “no burn days” when cinders from outdoor fires could ignite dangerous, rapidly spreading wildfires.

In addition, any of the potential 20,000 occupants that smoke can start a fire if cigarettes, etc. are not properly disposed. A ban on smoking within some designated area in the vicinity of a unit will not lessen this risk. Urban people are not accustomed to properly disposing of cigarettes – all it takes is one of the 20,000 potential customers to make a mistake.

This proposed Getaway Project is geared around outdoor recreation. By design the units are too small to allow for much indoor activity. That is why each unit is equipped with a fire pit, Adirondack chairs, and a picnic table and has easy access to multiple trails surrounded by grass and oaks that are highly flammable for at least at least 7 months of the year.

The Project calls for a 20,000-gallon tank to be dedicated for fire protection. Our understanding is that an application for a single-family residence in a remote rangeland environment can often require a 10,000-gallon tank. There are greater than 46 structures in this proposal. The 20,000-gallon tank coupled with limited recharge capability makes this system wholly inadequate to handle the tremendous fire risk inherent in the proposed Getaway Project.

Given the issues above, we believe this huge fire risk associated with the project is not acceptable.

- 3) **Traffic impacts:** With 45 units and 85% occupancy there will be 39 guest vehicles each day at the Project. In addition, according to the proposal, the Project would be staffed by an on-site General Manager and his family, a Facilities Manager and 6-8 housekeeping staff. The housekeeping staff of 6-8 seems light given the 45 units and 1.5-day turnover. This count does not allow for garbage service, traffic related to lodge supplies and other project related maintenance traffic.

Guests could be expected to leave the site at least two times a day to access wine tasting, food and acquire general supplies. It seems logical to assume that Old Toll Road and the stop sign at intersection with State Highway 175 will accrue significant Project traffic – as much as 150-175 additional trips per day – and be consequently overburdened, creating increased risk of accidents. We believe Cal Trans should require a comprehensive traffic study and require the project to pay for enhancement of the Old Toll Road interchange with Highway 175 and improvement of the ancient one lane Old Toll Road bridge over McDowell Creek.

- 4) **Biological impacts:** The proposal states that there would be tree removal, but that Gateway would try to keep removal to a minimum. Nevertheless, they will be removing significant trees around the lodge, parking areas, access roads, trails, unit sites and fire pit/picnic areas. Although it is not stated in the application, there will undoubtedly be additional trees removed by the project to enhance unit views. These removals will significantly reduce the important Blue Oak, Live Oak, Valley Oak, Black Oak and California Bay populations on the property as well as other valuable species. In addition, the removal will exacerbate view exposure to the neighboring properties and enhance noise pollution emanating from the Project.

Also, additional biological work is required before the Project can be approved. The preliminary biological study recommends a Lake or Streambed Alteration Agreement (LSAA) to be approved by CDFW and a Section 401 Water Quality Certification to be approved by the North Coast Regional Water Quality Control Board. These should be completed before environmental review begins, or at the very least, before the Project is approved. Furthermore, there are several sensitive species on the site, and any biological assessment by Gateway should encompass the bird nesting season and the blooming period for the native plants.

- 5) **Project is a resort, not a "mobile home" development:** Finally, the proposal purports to involve so-called "mobile homes", but the Project is more accurately described as a multi-unit hotel. By utilizing a "mobile home" designation the Project escapes the much tougher scrutiny inherent in a multi-unit hotel application. We believe the County Code should be revised to incorporate tighter scrutiny for this glamping project and others like it. Mobile home parks have owner-occupied units moving in and out. This development - with the permanent pads - envisions nothing of the like and is far more akin to a hotel or resort development.
- 6) The sewage disposal system proposed for the Project needs to be closely examined. Quite possibly the site does not have enough surface area with acceptable slope, and soils with sufficient percolation capabilities to accommodate a 46 plus unit septic system.

For these reasons, among others, we oppose the Project and urge the Planning Commission to turn down the application. At the very least, a comprehensive EIR is certainly required for this proposed project.

Thank you for your consideration.

Respectively Yours,

Harold Hoff
m/r Vineyard
Nancy B. Walker
[Signature]

Marion A. Wootto
m/r Vineyard
[Signature]
Curlye Montano
Victoria Trueser Dineck JK Ranch

Ken Todd
Luis Lucchetti
Columbus Creek Ranch

Mike Allen
Middle Ridge Ranch

Robert Keiffert / Robert Knifley retired UC-ANR

John FETZER ~~John FETZER~~

JAMES D. MURPHY James D. Murphy

Lillian Poor Susan Poor

Terry Bray Terry Bray

Bill Pauli Bill Pauli

Bramson Axell Bramson Axell

JAMES BLOOM Bloom Vineyards

John Ashurst KURT ASHURST

Ken Seckora KEN SECKORA

Red Hammersley RED HAMMERSLEY

Wendel Nicholas
Middle Ridge Vineyards

Frost Pauli

Frost Pauli
Bay Tree Vineyards

Shannon Pauli

Shannon Pauli
Iron Oaks Vineyards

GETAWAY HOUSE PROJECT EAST OF
HOPLAND, CA

NAME _____

Ref's friends
Marina Kusichler
Carol Bolca
Brian White
Christmas Darger
Fred M M
Jana Sloan
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